

HB0876_FAV_ArtClunk.pdf

Uploaded by: Art Clunk

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 876:

Criminal Procedure – Expungement of Records – Good Cause

TO: Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee

FROM: Art Clunk

DATE: March 5th, 2024

My name is Art Clunk; I am a resident of District 11 and passionately support House Bill 876 for my son.

Two years ago, my son, who works for the Anne Arundel County Fire Department, went out to dinner with his best friends to celebrate the announcement of his engagement with his girlfriend. On his drive home, after two drinks, he was pulled over by law enforcement and received a DWI. He called me and my wife utterly appalled at this situation and took full responsibility for his actions. I thought he could move on from this, only to discover that his charge is not eligible for expungement.

At the time, my son had been working in the department for over 5 years, and this charge put his work at risk. The Chief pulled him from his assignment and allowed my son to work as an EMT or answer phones since he was no longer allowed to drive until his case was settled. I am grateful he has a stellar reputation, or his team may not have been so lenient.

He was given a PBJ with two years probation at the trial, which he completed without hesitation. He lost 96 hours of pay and had to get tested for drugs and alcohol for around 90 days. His chief pushed him to go back to school to be a paramedic, which he had just graduated from last June. He is now a full-fledged national paramedic aiming to become a lieutenant soon.

I support this bill to allow my son to overcome this mistake. It should not be held against him for the rest of his life. I know that multiple bills are considering a fix to this, and I support them all. Whether it is the 10-year waiting period with a 5-year shield or Good Cause Expungement, either would do wonders for my family. We have all enjoyed fine wine in our younger years, and no one should have to live with such a crippling mistake for all of their life.

My son is highly remorseful of his actions, and as his father, it hurts me to see him go through this. He is soon to marry his fiance in May. Please support this bill and put us on a path to keep my boy on the right track.

SB0118_HB867_FAV_DonnaBruce.PDF

Uploaded by: Donna Bruce

Position: FAV

TO: Hon. Chair William Smith, and Members of the Judicial Proceedings Committee

FROM: Donna Bruce, Owner - Donna Bruce Unlimited, inc.

Good Afternoon Members of the Committee,

I am Donna Bruce, owner of Donna Bruce Unlimited, Inc., which provides art therapy to Baltimore City Mothers who have lost a child to gun violence. I am a resident of District 44B in Baltimore County and support Senate Bill 118 as a means of expanding access to criminal record expungements for DUI/DWIs.

When I lost my son in 2021 due to an overdose, I fell into a deep depression and was placed on medication by my doctors. I also began to consume alcohol in higher amounts which caused friction between my significant other and myself. During an argument with him, I backed my car out of my driveway and ran over an exposed gas main, damaging my vehicle.

When I called the police to report the exposed gas main, they charged me with a DUI even though I was moving my car in my own driveway. This charge cost me my job at the Baltimore County Detention Center, where I provided peer support and trauma-informed care, and crippled my access to transportation and employment. I was also given eight points on my license and was then without transportation for years.

I decided to turn my pain into my passion and assist those grieving their sons and coping with substances by starting my own trauma-informed care business and now have clients all throughout Baltimore City.

I have been employed with the Enoch Pratt Library for two years where I created a pilot substance abuse treatment peer navigator program in seven different libraries serving over 1000 City Residents and am expanding to state agencies.

However, it is still difficult to obtain a promotion, expand to new markets, or manage my clients with this conviction on my record.

Senate Bill 118 will allow me to expunge this charge after waiting a reasonable waiting period. Thank you for the opportunity to weigh in on this important issue and I urge a favorable report.

HPP HB 867 Testimony- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 867
TITLE: Criminal Procedure – Expungement and Shielding – Probation Before Judgment for Driving While Impaired or Under the Influence
COMMITTEE: Judiciary
HEARING DATE: March 5, 2024
POSITION: SUPPORT

House Bill 867 would allow a person to file a petition for expungement of a probation before judgment (“PBJ”) for driving while impaired or driving under the influence after a 10-year waiting period, and to petition the court to shield that PBJ from public view after a 5-year waiting period. [The Human Trafficking Prevention Project](#) supports this bill because it will allow those who have completed their probation after an arrest for driving under the influence to petition for criminal record relief of their non-conviction after a substantial waiting period. This will allow these individuals, including sex workers and survivors of human trafficking, many of whom have used drugs and alcohol to cope with trauma, to access opportunities to better their lives.

It is important to note that substance use problems are both a predictor *and* the result of exposure to trauma, including human trafficking,¹ interpersonal violence,² sexual abuse and assault,³ and war-related trauma,⁴ meaning that those who struggle with substance use disorders are more likely to experience trauma than those without substance use disorders, *and* that those who have experienced traumatic events are more likely to self-medicate using drugs and alcohol to cope with the trauma symptoms they commonly experience in response to these events.⁵ Given that the most recent National Roadside Survey of Alcohol and Drug Use by Drivers found that 20% of surveyed drivers had drugs or alcohol in their system,⁶ it is clear that the vicious cycle of substance abuse and trauma also commonly results in exposure to law enforcement as a result of impaired driving.

A key element of recovering from any traumatic experience is the ability to regain control over one’s own life.⁷ While this often involves finding a safe place to live, accessing programs that provide mental health services, and

¹ Noël Crowley, *Intersectionality between Substance Use and Human Trafficking* 1-2, <https://freedomnetworkusa.org/2022/07/12/intersectionality-between-substance-use-and-human-trafficking/#:~:text=Individuals%20that%20have%20struggled%20with,substances%20or%20money%20by%20traffickers> (citing the findings of a US survey that 84.3% of trafficking survivors used substances during the time they were exploited, as well as the fact that those who are struggling with substance use disorders are put at higher risk of exploitation by traffickers given that “[t]hey may be targeted due to their dependence through the enticement of a promise of substances or money by traffickers,” and therefore controlled due to the ease with which a trafficker can “withhold the drugs to coerce the survivor into engaging in trafficking activities to get their next high or prevent a painful withdrawal.”).

² Jacqueline B. Mehr, et. al., *Intimate Partner Violence Substance Use, and Health Comorbidities Among Women: A Narrative Review* 1-2 (2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9912846/> (citing that up to 75% of women seeking treatment for substance use disorders have experienced interpersonal violence, have greater symptom severity, *and* that “substance misuse and [substance use disorder] has been shown to also place IPV-EW at an increased risk for future [intimate partner violence] victimization.”).

³ International Society for Traumatic Stress Studies, *Traumatic Stress and Substance Use Problems* 2, https://istss.org/ISTSS_Main/media/Documents/ISTSS_TraumaStressandSubstanceAbuseProb_English_FNL.pdf (highlighting that people reporting sexual abuse have higher rates of substance use, particularly adolescent survivors of sexual violence, who are “4.5 times more likely to experience alcohol abuse or dependence, 4 times more likely to experience marijuana abuse or dependence, and 9 times more likely to experience hard drug abuse or dependence.”).

⁴ *Id.* (citing that “up to 80% of Vietnam veterans seeking PTSD treatment have alcohol use disorders.”).

⁵ *Id.* at 3-4 (highlighting that “[t]he use of alcohol or drugs can provide a temporary distraction and relief for traumatized people who may be suffering from very serious and even debilitating problems across multiple areas of their lives.”).

⁶ Amy Berning, Richard Compton, & Kathryn Wochinger, *Results of the 2013-14 National Roadside Survey of Alcohol and Drug Use by Drivers* (2015), https://www.nhtsa.gov/sites/nhtsa.gov/files/812118-roadside_survey_2014.pdf.

⁷ Susan Wyatt, *What is ‘Agency’ in Torture and Trauma Recovery? An Inquiry into the Properties and Explanations of the Concept of Agency and its Impacts* 22 (2023), https://www.researchgate.net/publication/372994759_What_is_'agency'_in_torture_and_trauma_recovery_An_inquiry_into_the_properties_and_explanations_of_the_concept_of_agency_and_its_impacts (detailing how “agency is a causal pathway to facilitating social and emotional wellbeing, [which] flows from a sense of control over one’s own life.”).

developing improved life skills, the economic stability provided by access to employment is of utmost importance to a trauma survivor's stability and independence.⁸ Given that employers routinely conduct criminal background checks on job candidates,⁹ and that the job market has trended towards requiring professional licenses, especially when the job includes providing assistance to vulnerable populations like nursing and child care,¹⁰ it is essential that any state-based remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent trauma survivors from moving forward with their lives.

Thankfully, Maryland has consistently recognized the right of former criminal defendants to expunge PBJ's from their records subject to a subsequent conviction prohibition¹¹ and a three-year waiting period,¹² given that a PBJ is *not* considered a conviction under Maryland law.¹³ While it is understandable to want to treat PBJ's for driving while impaired or driving under the influence as more serious than an "average" PBJ given the grave safety risks involved in impaired driving, prohibiting someone from *ever* expunging a PBJ for this offense is not consistent with the ameliorative intent of Maryland's expungement scheme, especially considering how many of those struggling with substance use disorders are using drugs and alcohol to cope with histories of trauma.

In addition to the pre-existing subsequent conviction prohibition referenced above, HB 867 would also require that a defendant seeking to expunge a PBJ for driving while impaired or under the influence to wait 10 years prior to becoming eligible. This significant waiting period, coupled with the requirements¹⁴ and limitations¹⁵ already in place with regard to PBJ's for this offense, ensures that HB 867 strikes the appropriate balance of recognizing the seriousness of driving under the influence with the opportunity for people to move on with their lives.

For these reasons, the Human Trafficking Prevention Project supports House Bill 867, and respectfully urges a favorable report.

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers, survivors of human trafficking, and those populations put at highest risk of exploitation through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

***For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu***

⁸ Mindful Musings, *Addressing Mental Health & Trauma: The Power of Economic Stability* (2023), <https://medium.com/@MindfulMusingsPsychology/addressing-mental-health-trauma-the-power-of-economic-stability-8faafa1393f7> (highlighting that, "[w]hen basic needs like food, shelter, and safety are not secured, individuals are more likely to remain in a heightened state of anxiety, impeding their ability to confront and work through traumatic memories,").

⁹ Cameron Kimble & Ames Grawert, *Collateral Consequences and the Enduring Nature of Punishment*, Brennan Center for Justice (Jun. 2021), <https://www.brennancenter.org/our-work/analysis-opinion/collateral-consequences-and-enduring-nature-punishment> (reporting that, as of 2018, 80 percent of employers conduct background screening on candidates for full-time positions).

¹⁰ *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights 1, 49 (June 2019), <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf> (citing that about 30 percent of U.S. workers now need licenses, which is a five-fold increase since the 1950's); see also, *FAQs Criminal History Record Checks*, Maryland Board of Nursing, <https://mbon.maryland.gov/Documents/FAQs%20CHRC%2012.16.pdf> (noting that Maryland requires criminal history checks for all RN, LPN, and CNA applicants).

¹¹ MD CRIM. PRO. ANN. § 10-105(e)(4)(i) (West, 2023).

¹² MD CRIM. PRO. ANN. § 10-105(a)(3), (c)(1) (West, 2023).

¹³ MD CRIM. PRO. ANN. § 6-220(i)(3) (West, 2023) (describing how, after the fulfillment of the probation conditions ordered by the court, the defendant "shall be without judgment of conviction and is not a conviction for the purpose of any disqualification or disability imposed by law because of conviction of a crime,").

¹⁴ MD CRIM. PRO. ANN. § 6-220(e)(1)(iii) (West, 2023) (requiring the court to impose participation in a drug and alcohol treatment program on anyone for whom the court has stayed the entry of judgment and placed on probation before judgment).

¹⁵ MD CRIM. PRO. ANN. § 6-220(f)(1) (West, 2023) (prohibiting the court from placing a defendant to do so again if, within the preceding 10 years, the defendant has been convicted of driving while impaired or driving under the influence or has received a previous PBJ for this offense).

HB 867 - Criminal Procedure - Expungement and Shie

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of House Bill 867

Criminal Procedure - Expungement and Shielding - Probation Before Judgment for Driving While Impaired or Under the Influence

TO: Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee

FROM: Job Opportunities Task Force

DATE: March 5, 2024

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports House Bill 867, which would allow individuals to file for expungement and shielding of records for driving while impaired or under the influence if they received a probation before judgment.**

Probation before judgment is widely used by judges in Maryland to give first-time and nonviolent offenders the benefit of probation without the burden of a criminal conviction on their record. Often, PBJ recipients are young people who go on to live highly successful lives that are beneficial to society because they were allowed that second chance.

Operating a vehicle while impaired is clearly a serious offense that has the capacity to hurt both the driver and anyone else on the road. Supporting this bill, however, is not the same as allowing bad actors to avoid consequences. For many individuals, just being arrested is a harrowing enough experience that it creates a permanent shift in their behavior and they would never even consider in engaging in that type of behavior again. We trust judges to be able to recognize the truly contrite individuals who will no longer be a danger to others, hence why PBJs exist in the first place. But for DUI and DWI offenses, even these individuals who have been deemed as worthy of a second chance by a judge do not truly receive a second chance in full, as they are still subject to the consequences of a criminal record. Having a criminal record negatively affects Marylanders job opportunities, housing employment, educational opportunities, public benefits, and stable housing. JOTF believes that a second chance should be just that, a second chance; not a half measure that still imposes the same consequences. House Bill 867 will allow contrite individuals to have a true second chance without the burdens of a criminal record.

For these reasons, JOTF supports House Bill 867 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

Testimony - 2024 -HB867.pdf

Uploaded by: Mary Denise Davis

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 867 Criminal Procedure - Expungement and Shielding - Probation

Before Judgment for Driving While Impaired or Under the Influence

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 1, 2024

The Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 867.

The Public Defender's Office established a weekly expungement clinic in the NorthWest area of Baltimore and partnered with other organizations to offer an annual event - Back to the Neighborhood: How to Succeed with a Criminal Record." During this time, we came to learn the importance of the availability of expungement and how expungement can change lives.

Since 2007, there have been major changes in the expungement law. Each year, the legislators have introduced modifications and some have been signed into law. These laws have had an impact for so many Maryland residents and will continue to do so for individuals in the years to come.

The Public Defender has advocated for changes to allow our clients to move forward without the burden of the stigma of a criminal record years after the sentence has concluded and punishment has been completed. This stigma comes from more than just the conviction(s) on a person's RAP sheet, but can also include all that is available on Maryland Judiciary Case Search and MDEC. There is also a concern that information that has not been expunged or shielded can be obtained and disseminated by private databases. These traces of charges and convictions can follow individuals decades beyond their involvement in the criminal legal system.

I like to refer to expungement as a form of legal redemption that should be accessible to all who have changed their lives and their stories for themselves and their families. For some clients, the past remains in the past but for many clients it will resurface when they are looking for employment or advancement in their current jobs; looking for better housing opportunities; or looking to further their education.

This bill would allow individuals to file for expungement or shielding who have received a probation before judgment (a non-conviction under Maryland law) for driving while impaired violations under the Transportation Article §21-902 only. It will not include the more serious offenses of operating a moving vehicle while impaired. It strikes a balance between the more serious offenses under the Criminal Law Article and violations listed under the Transportation Article.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 867.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

**Authored by: Mary Denise Davis, Chief Attorney of the Pretrial Unit, Baltimore City
marydenise.davis@maryland.gov, 410-878-8150.**

RAP Testimony on HB0867.pdf

Uploaded by: Thomas Higdon

Position: FAV



House Bill 0867 - Criminal Procedure - Expungement and Shielding - Probation Before Judgment for Driving While Impaired or Under the Influence

Position: FAVORABLE

TO: Chair Clippinger, Vice Chair Bartlett, and Members of the Judiciary Committee

FROM: The Maryland Recovery Advocacy Project

The Maryland Recovery Advocacy Project (RAP) is a network of people in recovery and impacted family members advocating for policies that support recovery from substance use disorder (aka addiction).

Many RAP members, including some who've been in recovery for years, have had job offers rescinded, rental applications rejected, or professional licensure denied due to a record of driving while impaired or under the influence.

However, given the serious nature of these offenses, we understand there may be concerns over allowing these types of charges to ever be expunged. Afterall, what if the individual relapses and reoffends?

With this in mind, RAP searched the Maryland Judiciary database and pulled every available record under § 21-902 of the Transportation Article (DUI/DWI) since 1990. Here is what we found:

- The overwhelming majority of individuals charged for DUI/DWI do not reoffend. In fact, only 13% of individuals in the dataset were charged with DUI/DWI more than once.
- Of the small number of individuals who reoffend, 90% of those incidences occurred within seven years of each other (96% within 10 years).

Based on this data, it seems clear that there is only a very small chance that a individual receiving an expungement after 10 years will reoffend.

Obviously, there need to be consequences for an offense as serious as DUI/DWI. However, once a decade has passed without reoffending, individuals deserve a fresh start. For these reasons, The Maryland Recovery Advocacy Project urges a favorable repost on HB0867.

HB867 Expungement and Shielding-Probtion Before Ju

Uploaded by: John Cox

Position: UNF



MARYLAND STATE'S ATTORNEYS' ASSOCIATION

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Rich Gibson
President

Steven Kroll
Executive Director

Bill Number: HB 867
Maryland State's Attorneys' Association
Opposed

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 867-
CRIMINAL PROCEDURE-EXPUNGEMENT AND SHIELDING- PROBATION
BEFORE JUDGMENT FOR DRIVING WHILE IMPAIRED OR UNDER THE
INFLUENCE

The Maryland States Attorneys Association is opposed to House Bill 867- Criminal Procedure- Expungement and Shielding- Probation Before Judgment for Driving While Impaired or Under the Influence. This legislation would on many occasions remove the State's ability to seek the proper justice against repeat drunk drivers.

Criminal Procedure §10-105 regarding expungement of Probation Before Judgment and other non-convictions has existed for a very long period of time. It has always carved out the exception to prohibit the expungement of a probation before judgment for a DUI or DWI. There is a very logical and compelling reason for that. DUI is a relatively unique crime from many others in that a person who is caught drinking and driving is often not caught and can easily commit repeat offenses over lengthy periods of time. It is not uncommon at all to have a person with a DUI once every 10 or 12 years. This legislation would remove from the judicial system the ability to know of a prior DUI when a person comes back 10 years later and is doing it again. It is difficult to imagine what would be more important to a Judge in a DUI case than knowing that the person has done it before. The public deserves to be aware of and protected from those who choose to endanger their lives on the roadways by being in control (or lack of control) of a motor vehicle.

On February 24, 2023, a Baltimore County elementary school teacher was killed by a drunk driver as he and his wife were driving home from a date celebrating their anniversary. The person who ran a red light traveling 106 miles an hour killing the teacher was drunk and had his 11 year old child in his car. The teacher's wife was seriously injured and is still recovering from her injuries. The person who committed this offense had a probation before judgment for a DUI from May of 2012. If this legislation was in place, he could have expunged that probation before judgment and the Judge who sentences the offender would think this was his first instance of drinking and driving. This fact scenario is not an anomaly. It is common.

In addition, as drafted, this bill will allow that offender who killed the elementary school teacher to still expunge the prior probation before judgment. CP §10-105 mandates

expungement if the person is eligible. Subsection (e)(4) delineates when a person is not eligible. A person cannot get an expungement of a probation before judgment if they are convicted of a crime within three years of the entry of the probation before judgment which the person seeks to expunge. With this legislation, therefore, a person could expunge a probation before judgment for a DUI (after the ten years) even if they commit another DUI three years and a day after the PBJ and could still expunge the PBJ if they commit a vehicular manslaughter more than three years after.

If this legislation were to pass it would have to be with an amendment to subsection (e)(4). The section could be amended to make a person not entitled to expungement if they have been convicted of an offense since the probation before judgement and prior to the application for expungement.

The Maryland State's Attorneys' Association asks you to continue the endeavor to protect the citizens of this State on our roadways by giving an unfavorable report to House Bill 867.

hb867.pdf

Uploaded by: Linda Miller

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 867
Criminal Procedure – Expungement and Shielding – Probation
Before Judgment for Driving While Impaired or Under the
Influence
DATE: February 2, 2024
(3/5)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and recognizes that setting the scope of expungable offenses is a legislative prerogative. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such policy matters.

We write to make note of certain aspects of this legislation that may not be readily apparent to ensure awareness of its full impact. Expungement impacts the court's ability to fashion appropriate sentences in that it deprives judges of relevant information should there be a subsequent offense. It will be more difficult to make informed decisions, including as to the need for substance abuse treatment, without access to a defendant's history of all prior offenses. This would deprive the court of relevant information and public safety may be put at an increased risk as a result. Moreover, impaired driving offenses are statutorily subject to enhanced penalties for repeat offenders. It is hard to apply those provisions without access to information about prior offenses. Further, it is

unclear what “discharged from probation” means on page four and whether that discharge must be successful.

Finally, this bill will require additional resources for the Judiciary. The Judiciary anticipates a high demand related to petitions for expungement and petitions to shield. The data provided in this note only represents two fiscal years. However, if this legislation were to pass there would be an increased number of charges that would qualify for expungement and shielding. To account for that, the Judiciary anticipates a minimum of 16 new positions would be needed in the District Court, another 3 new positions would be needed in the circuit courts to handle the increased workload. The total of 19 new positions will result in approximately \$ 1,264,737.00 in additional personnel costs and other operational expenses in the first full fiscal year.

cc. Hon. Tiffany Alston
Judicial Council
Legislative Committee
Kelley O’Connor

HB0867 - MVA - Expungement and Shielding - Probat

Uploaded by: Patricia Westervelt

Position: INFO

March 5, 2024

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
Annapolis Maryland 21401

Re: *Letter of Information – House Bill 867 – Expungement and Shielding - Probation Before Judgment for Driving While Impaired or Under the Influence*

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of information for the Committee's consideration on House Bill 867.

House Bill 867 makes certain alterations to an individual's ability to pursue expungement of certain misdemeanor and felony records. Among those offenses in the proposed legislation is a violation of § 21-902 of the Transportation Article, which covers driving under the influence of alcohol.

The MDOT Motor Vehicle Administration (MVA) maintains driving records that can include notations of convictions for certain offenses. The maintenance and expungement of these driving records are controlled by the Transportation Article and by the Public Information Act.

Given current law, MDOT does not interpret House Bill 867 as applying to records maintained by the MVA; however, should that be the intent, this could potentially establish a conflict in its lack of clarity on scope of records. To be compliant with the interstate driver's compact and for other federal purposes regarding commercial driver's licenses, the MVA must maintain appropriate record keeping for drunk driving offenses.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberations of House Bill 867.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090