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Bill Number: HB 499

Maryland State's Attorneys' Association

Opposed

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 499
CRIMINAL RECORDS – EXPUNGEMENT AND MARYLAND JUDICIARY CASE
SEARCH (EXPUNGEMENT REFORM ACT OF 2025)

The Maryland State's Attorney's Association supports House Bill 499 Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025) with a minor but necessary amendment to address the rights and understandable concerns of victims related to restitution.

The State of Maryland through the General Assembly has constructed expungement statutes which provide the opportunity for those with certain prior criminal adjudications to move on with their lives and not be adversely affected by the existence of the prior misstep in the event that individual has demonstrated an ability to conform to the requirements of society. It has been discovered through a ruling of the Appellate Court of Maryland that there is one hurdle placed in the way of those seeking expungement which can unfairly inhibit that person in achieving an expungement. This is the interpretation of the statutes to require "satisfactory" completion of a sentence.

In addition to other additions of eligible offenses for expungement, this legislation redefines what it means to "complete a sentence" and would allow expungement even if the individual was not perfect in their performance on probation. The State's Attorney's Association supports this change but has concern for one missing piece in the bill. If an individual who is ordered to pay restitution to a victim and, if they have the financial ability to do so, does not do so, they should not be allowed expungement and removal of evidence of the obligation to the victim.

This issue is currently addressed in the proposed legislation as to Criminal Procedure Section 10-110 (expungement of guilty findings) but does not address it with

regard to Criminal Procedure Section 10-105 (Probation Before Judgment). Victims should not be denied the ability to be made whole from one who is financially able to do so just because the person received a PBJ.

The solution is simple. Take the proposed language at lines 25-27 on page 6 of the Bill and add it to the new definition of "completion of the sentence" at lines 3-5 of page 2 of the bill. This would then make the restitution issue a part of both 10-105 and 10-110.