

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

March 4, 2025

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Rhea L Harris
Deputy Director, Legislative Affairs, Office of the Attorney General

RE: **House Bill 499-** Criminal Records – Expungement and Maryland Judiciary
Case Search (Expungement Reform Act of 2025) – **Support**

The Office of the Attorney General (OAG) supports House Bill 499 and requests a favorable vote.

HB499 alters provisions of law relating to waiting periods for the filing of petitions for expungement to authorize the filing of a petition to the amount of time after the completion of the sentence; and adds to the list of misdemeanor convictions that a person may expunge under circumstances; requires a court to determine that a person seeking an expungement has paid restitution ordered by the court or cannot pay the restitution; and prohibits the Maryland Judiciary Case Search from in any way referring to the existence of certain records.

HB499 is responding to the Abhishek ruling by the Court of Special Appeals (now the Supreme Court) in a reported opinion. The Court stated that the “appellant violated the terms of his probation, and the court closed his probation unsatisfactorily, he did not ‘satisfy’ his probation sentence. The circuit court properly denied his petition for expungement.” (*In re Expungement Petition of Abhishek I., No. 904, September Term, 2021*)

HB499 clarifies the satisfaction of a sentence. Also, in Abhishek, the appellant violated his probation for the possession of cannabis which is now legal. Governor Moore provided pardons for thousands of these same people in 2024. Due to this violation, Mr. Abhishek is permanently ineligible for expungement, though he waited the required 10-year waiting period and served the

length of his incarceration. The OAG believes that this is an unfair consequence that could have been avoided under the passage of HB499.

HB499 allows expungement to be accessible at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision.” This means that once a person has served the entire sentence and finished the additional 5-10-year waiting period, they will be eligible for expungement if the charge is eligible. The State’s Attorney’s Office and the victim retain the right to object to the expungement, leaving the courts to decide whether the expungement is in the interest of justice.

For all the reasons stated above, the Office of the Attorney General requests a Favorable vote on House Bill 499.

cc: The Governor’s Legislative Office
House Judiciary Committee Members