

SB 432  
(HB499)  
FAVORABLE

STATEMENT OF  
**Eric E. Sterling, J.D.<sup>1</sup>**  
SUBMITTED TO  
THE MARYLAND HOUSE OF DELEGATES  
JUDICIARY COMMITTEE  
HON. LUKE CLIPPINGER, CHAIR  
HON. J. SANDY BARTLETT, VICE CHAIR  
MARCH 25, 2025

**IN FAVOR OF**  
**SB432 – Criminal Records – Expungement and Maryland Judiciary Case Search**  
**(Expungement Reform Act of 2025)**

Chair Clippinger, Vice Chair Bartlett, and Honorable Delegates, thank you for reading my brief statement in strong support of SB432 and HB 499. I urge a favorable report. I heartily commend the Governor and the Administration for developing this legislation.

SB432, passed by the Maryland Senate on 3<sup>rd</sup> reading on March 14, 2025 by a vote of 36-11, would –

Drop the bar to expungement if a sentence to probation, parole, or mandatory supervision was not “satisfactorily” completed, but completed nonetheless. This means that once a person has served the entire sentence for an eligible offense and finished the additional 5 or 10-year waiting period for expungement, they will be eligible.

Remove all pardoned marijuana charges and 3-year stets from the Maryland Case Search and adds three common misdemeanors to the expungement eligibility list:

1. Transportation Article § 16-101 - Driving without a License.
2. Criminal Law § 8–106 - Cashing a Bad Check.
3. Criminal Law Article §8-204 - Stolen Credit Card.

Continue to provide that the State’s Attorney’s Office and any victim involved retain the right to object to the expungement, leaving to the court to decide whether the expungement is in the interest of justice and that the applicant “is not a risk to public safety.”

SB432 solves the problem that many former offenders do not meet the current eligibility requirement because during a term of probation or supervision the applicant incurred a violation that disqualified them from being described as having “satisfactorily” completed the term of supervision – even though they were discharged from the sentence and further supervision. **43%**

**of the persons under supervision in 2022 did not “satisfactorily” complete their probation or parole.<sup>2</sup>**

This problem became acute with the decision of the Maryland Court of Special Appeals in 2022, *In re Expungement Petition of Abhishek I.* (Sept. 2021 Term, No. 904). In that case, the applicant for expungement had a conviction from 2008 which had a sentence of one year incarceration, suspended, and one year of probation. During the probation, the applicant violated the probation by possessing and using cannabis, for which he was sentenced to four days of incarceration in 2010. Ultimately, the probation was closed as “unsatisfactory.” After ten years, in 2020, the applicant petitioned for expungement of the conviction, but it was rejected by the Circuit Court due to the “unsatisfactory” closing of the probation, and that rejection was upheld.

To continue to have an old criminal conviction on the record handicaps a huge number of Marylanders who are not a threat to public safety. It holds them back *for decades* from employment, housing, education, licensing, and credit -- long after they have completed their sentence *and* demonstrated their complete rehabilitation.

**At a moment when Maryland’s economy and revenue base are severely threatened by federal government layoffs and other threats, every handicap to our economy needs to be removed.**

This bill will improve the economic and social outlook for perhaps hundreds of thousands of Marylanders, and for the State at large. I urge a favorable report.

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<sup>1</sup> Eric E. Sterling was Executive Director of the Criminal Justice Policy Foundation (1989-2020). He has lived in Maryland 32 years and the 18<sup>th</sup> legislative district over 27 years. From 1979 to 1989 he was Assistant Counsel, U.S. House of Representatives Committee on the Judiciary responsible for many criminal justice issues. From 2022 to 2024, he was Chair the Montgomery County Advisory Commission on Policing. He received a B.A. from Haverford College in 1973, and a J.D. from Villanova University Law School in 1976.

<sup>2</sup> Maryland Division of Probation and Parole, cited in the Racial Equity Impact Note from the Department of Legislative Services for the 2024 bill. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-SB0454-REIN.pdf> (Accessed Mar. 21, 2025).