

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 542
Judiciary

(Delegate Marriott, *et al.*)

Criminal Procedure - Expungement of Records

This bill authorizes the expungement of a police, court, or other record related to a charge of a person who is convicted of two or more criminal acts that are not crimes of violence, if the person is granted a pardon by the Governor.

The bill also repeals a provision that prohibits expungement if: (1) the petition is based on the entry of probation before judgment, a *nolle prosequi*, or a stet, or the grant of a pardon; and (2) the person has subsequently been convicted of a crime or is a defendant in a criminal proceeding.

Fiscal Summary

State Effect: While a high volume of petitions could increase the workload for the Judiciary and the Criminal Justice Information System, the requirements of this bill should be able to be accommodated with the existing budgeted resources of these and other affected State agencies.

Local Effect: While a high volume of petitions could increase the workload for the Judiciary and the State's Attorney offices, the requirements of this bill should be able to be accommodated with their existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: There are eight circumstances under which a person may petition for expungement, including if the person is acquitted or if the person is convicted of *only one* nonviolent crime and is granted a pardon by the Governor. A State's Attorney is allowed to file an objection to such a petition. A person is not entitled to expungement if the person has subsequently been convicted of a crime or is a defendant in a criminal proceeding.

State Fiscal Effect: The Judiciary reports that this bill could have an operational impact, including a probable increase in hearings, due to an anticipated increase in the number of petitions filed under the provisions of this bill. If all, or nearly all, qualifying felons petitioned for expungement, the result could be clogged hearing calendars. (This is quite possible since a felony conviction is often a hurdle in finding employment.) However, based on the data currently available, the Judiciary was unable to quantify the extent of such a potential impact. It is also likely that the Criminal Justice Information System's Central Repository would incur additional expenses under the bill, at an estimated rate of about \$11 for each additional expungement.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

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cm/jr

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