

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 185 (Senator Exum, *et al.*)
Judicial Proceedings

Police and Court Records - Nonviolent Felonies - Expungement

This bill authorizes a person who was convicted of a nonviolent felony and who completed the sentence, including probation, to petition for the expungement of records maintained by the State pertaining to the conviction. The bill authorizes a petition for such an expungement to be filed immediately after completion of the sentence.

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: An identical bill SB 645 was introduced during the 2000 session and received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

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

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