

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 101

(Senator Norman)

Judicial Proceedings

Judiciary

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**Criminal Law – Crimes of Violence, Expungement, and Drug Treatment**

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This bill (1) modifies the definition of a “crime of violence” under § 14-101 of the Criminal Law Article and the sentence applicable to a defendant convicted for the second time of a crime of violence; (2) expands eligibility for an expungement to include convictions of specified felony offenses; (3) specifies that a court may not order a defendant serving a sentence for a crime of violence to be evaluated by or committed to treatment under the supervision of the Maryland Department of Health (MDH) for alcohol or drug abuse until the defendant is eligible for parole; and (4) expands the list of predicate crimes under the prohibition on possession of a regulated firearm by a person with specified prior conviction(s) under § 5-133(c) of the Public Safety Article.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues from filing fees for expungements in the District Court. Potential significant increase in cumulative general fund expenditures, for the Department of Public Safety and Correctional Services (DPSCS) in future years, while general fund expenditures for MDH decrease minimally. General fund expenditures for the Judiciary increase by \$37,160 in FY 2019 only.

**Local Effect:** Potential significant increase in cumulative long-term local revenues from filing fees for expungements in the circuit courts. Expenditures are not affected.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Crimes of Violence under § 14-101 of the Criminal Law Article*

The bill alters the definition of a “crime of violence” by (1) replacing use of a “handgun” in the commission of a crime of violence or felony with use of a “firearm” in the commission of a crime of violence or felony, except possession with intent to distribute a controlled dangerous substance (CDS) under § 5-602(2) of the Criminal Law Article and (2) removing the requirement in the item pertaining to sexual abuse of a minor that a touching not be through the clothing.

In addition, the bill establishes that the 10-year mandatory minimum sentence for a second conviction of a crime of violence is nonsuspendable and nonparolable for crimes committed on or after October 1, 2018.

#### *Prohibited Possession of a Firearm under § 5-133(c) of the Public Safety Article*

The bill does not alter the penalties for this offense, but does expand the list of predicate crimes that subject a person to existing statutory penalties, including a mandatory minimum sentence and increased maximum sentence compared to the penalty for a person without a prior conviction for a predicate crime. The additional predicate crimes under the bill are (1) possession, use, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article and (2) possessing, owning, carrying, or transporting a firearm with a prior felony conviction under § 5-622 of the Criminal Law Article.

Individuals with prior convictions for the additional predicate crimes are already disqualified from possessing a regulated firearm. The bill specifies that a person convicted under § 5-133(c) of the Public Safety Article is not prohibited from participating in a drug treatment program under § 8-507 of the Health-General Article because of the length of sentence.

#### *Substance Abuse Evaluation and Commitment*

The bill prohibits a court from ordering a person serving a sentence for a crime of violence under § 14-101 of the Criminal Law Article from being evaluated for or committed to alcohol or drug abuse treatment with MDH under §§ 8-505 and 8-507 of the Health-General Article, respectively, until the person is eligible for parole. However, these eligibility restrictions do not prohibit such a defendant from participating in any other

treatment program or receiving treatment under MDH supervision under any other statutory provision.

### *Expungement*

The bill authorizes the expungement of a felony conviction for theft under § 7-104 of the Criminal Law Article, possession with intent to distribute a CDS under § 5-602(2) of the Criminal Law Article, and burglary under §§ 6-202(a), 6-203, or 6-204 of the Criminal Law Article, subject to specified existing statutory requirements and procedures. A conviction for an attempt, a conspiracy, or a solicitation of any of these offenses is also eligible for expungement. However, the bill also establishes that a petition for expungement of a felony conviction under § 10-110 of the Criminal Procedure Article may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

### **Current Law:**

#### *Crimes of Violence under § 14-101 of the Criminal Law Article*

Individuals convicted of a crime of violence under § 14-101 of the Criminal Law Article are eligible for various additional criminal penalties and earn diminution credits at a lower rate than other offenders.

Section 14-101(a) of the Criminal Law Article specifies offenses classified as crimes of violence. Section 14-101(b) through (d) imposes mandatory sentences for individuals who have prior convictions for these offenses and meet other specified criteria.

Section 14-101(a) defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a handgun in the commission of a felony or other crime of violence; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) an attempt to commit crimes (1) through (15); (17) continuing course of certain sexual conduct with a child; (18) assault in the first degree; and (19) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

#### *Mandatory Sentences for Crimes of Violence under § 14-101*

Subsequent offenders sentenced for a crime of violence under § 14-101 of the Criminal Law Article are generally subject to mandatory sentences. For a second conviction of a

crime of violence committed on or after October 1, 1994, a person must be sentenced to a mandatory minimum, nonsuspendable term of 10 years, if the person has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994, and served a term for that conviction confined in a correctional facility.

### *Diminution Credits*

Generally, inmates sentenced to a State correctional facility are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. Specified sexual offenders are not eligible to earn diminution credits. In addition, an inmate whose mandatory supervision release has been revoked may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision release.

Diminution credits are deducted from an inmate's "term of confinement," which is defined as (1) the length of the sentence, for a single sentence or (2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for concurrent sentences, partially concurrent sentences, consecutive sentences, or a combination of concurrent and consecutive sentences.

Diminution credits are made for good conduct, work tasks, education, and special projects or programs, as follows:

- *For sentences imposed before October 1, 1992:* Good conduct credits are awarded at a rate of 5 days per month regardless of the offense.
- *For sentences imposed between October 1, 1992, and October 1, 2017:* Good conduct credits are awarded at the rate of 5 days per month if the inmate's term of confinement includes a sentence for a crime of violence under § 14-101 or distribution of CDS. Good conduct credits are awarded at the rate of 10 days per month for all other inmates (except for those inmates who are statutorily prohibited from earning diminution credits). Credits for work tasks and education may be awarded at the rate of up to 5 days per month. Special project credits may be awarded at the rate of up to 10 days per month. Such inmates may not be allowed a total deduction, including good conduct credits, of more than 20 days per month.
- *For sentences imposed on October 1, 2017, or later:* Chapter 515 of 2016 increased the maximum possible deduction for diminution credits from 20 days to 30 days per calendar month, except for inmates serving a sentence in a State correctional facility for a crime of violence under § 14-101, specified sexual offenses, or specified

volume or kingpin drug offenses. Also, except for that same group of inmates, the deduction for special selected work projects or other special programs, including recidivism reduction programming, increased from 10 to 20 days per calendar month. In addition, the maximum deduction for diminution credits increased for an individual who is serving a sentence in a local correctional facility (for a crime other than a crime of violence or specified volume drug offenses) from 5 to 10 days per month.

### *Parole and Mandatory Supervision*

State inmates must serve either one-quarter or one-half of their sentences to be eligible for parole, depending on the offense (including crimes of violence). Parole eligibility for inmates sentenced to local detention centers is one-quarter regardless of the offense. Certain persons are not eligible for parole while serving a mandatory minimum sentence.

Generally, a person convicted of a violent crime under § 14-101 committed on or after October 1, 2009, is not eligible for release on mandatory supervision until after the person becomes eligible for parole under § 7-301 of the Correctional Services Article (one-half of the inmate's sentence or specified timelines for inmates sentenced to life imprisonment). However, with specified exceptions, beginning October 1, 2017, a person sentenced for a crime of violence may petition for, and be granted, parole if the person (1) is at least age 60 and (2) has served at least 15 years of the sentence imposed.

### *Prohibited Possession of a Firearm under § 5-133 of the Public Safety Article*

Section 5-133 of the Public Safety Article prohibits specified individuals from possessing a regulated firearm. Section 5-133(c) prohibits a person who has been previously convicted of specified offenses ("predicate crimes") from possessing a regulated firearm. A person convicted under § 5-133 of the Public Safety Article who does not have a prior conviction for a predicate crime is guilty of a misdemeanor, punishable by imprisonment for up to 5 years and/or a \$10,000 maximum fine. This penalty increases to a felony, punishable by a nonsuspendable, nonparolable minimum sentence of 5 years and a maximum incarceration penalty of 15 years for a person with a prior conviction for a predicate crime.

### *Substance Abuse Evaluation and Commitment*

Under § 8-507 of the Health-General Article, a court is authorized to refer an individual to substance abuse treatment as an alternative to incarceration. A court that finds in a criminal case that a defendant has an alcohol or drug dependency may commit the defendant to MDH for a drug or alcohol treatment program. The commitment may be made as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment. Before committing a defendant to MDH, the court must

(1) offer the defendant the opportunity to receive treatment; (2) obtain the written consent of the defendant to receive treatment and to have information reported back to the court; (3) order an evaluation of the defendant under §§ 8-505 or 8-506 of the Health-General Article; (4) consider the report on the defendant's evaluation; and (5) find the treatment that MDH recommends appropriate and necessary.

A court may not order that the defendant be delivered for treatment until (1) MDH gives the court notice that an appropriate treatment program is able to begin treating the defendant; (2) any detainer based on an untried indictment, information, warrant, or complaint for the defendant has been removed; and (3) any incarceration sentence for the defendant is no longer in effect. A commitment must be for at least 72 hours but no more than one year. The court may extend the time period in increments of six months for good cause shown. If the defendant withdraws consent to treatment, MDH must promptly notify the court and have the defendant returned to the court within seven days for further proceedings.

Chapter 515 of 2016 requires that, effective October 1, 2017, before imposing a sentence for a violation of laws prohibiting the possession of a CDS or 10 grams or more of marijuana, a court is authorized to order MDH, or a certified and licensed designee, to conduct an assessment of the defendant for a substance use disorder and determine whether the defendant is in need of and may benefit from drug treatment. MDH or the designee must conduct an assessment and provide the results, as specified. The court must consider the results of an assessment when imposing the defendant's sentence and, as specified, (1) must suspend the execution of the sentence, order probation, and require MDH to provide the medically appropriate level of treatment or (2) may impose a term of imprisonment and order the Division of Correction (DOC) within DPSCS or a local correctional facility to facilitate the medically appropriate level of treatment.

When ordered by a court, MDH must (1) conduct an assessment regarding whether, by reason of drug or alcohol abuse, a defendant is in need of and may benefit from treatment, as specified and (2) provide the name of a program *immediately* able to provide the recommended treatment to the defendant.

In addition, MDH must facilitate the *immediate* treatment of a defendant following a court order committing the defendant, under § 8-507 of the Health-General Article, to substance abuse treatment as an alternative to incarceration. If the court finds exigent circumstances, the court may delay a commitment order to MDH for no longer than 30 days. If a defendant is not placed in treatment within 21 days of the order, the court may order MDH to appear to explain the reason for the lack of placement.

## *Expungement*

Under the Criminal Procedure Article, a person who has been charged with the commission of a crime may file a petition for expungement listing the relevant facts of a police record, court record, or other record maintained by the State or a political subdivision of the State, under various circumstances listed in the statute. These grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, stet of charge, and gubernatorial pardon. Individuals convicted of a crime that is no longer a crime, convicted of possession of marijuana under § 5-601 of the Criminal Procedure Article, convicted of other specified misdemeanors, or found not criminally responsible of specified public nuisance crimes are also eligible for expungement of the associated criminal records under certain circumstances.

If two or more charges, other than one for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit. If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge in the unit.

A person is not entitled to expungement if (1) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person, within three years of the entry of the probation before judgment, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime or (2) the person is a defendant in a pending criminal proceeding.

Expungement of a court record means removal from public inspection:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

Chapter 515 of 2016, also known as the Justice Reinvestment Act, expanded eligibility for expungements by authorizing an individual convicted of any of a list of approximately 100 specified offenses (or an attempt, a conspiracy, or a solicitation of any of these offenses) to file a petition for expungement of the conviction, subject to specified procedures and requirements. The vast majority of the offenses are misdemeanors. In general, a petition for expungement of these convictions is subject to a 10-year waiting period from when the petitioner completed the sentences imposed for all convictions for which expungement is sought, including parole, probation, or mandatory supervision. However, a petition for

expungement of a conviction for second-degree assault, common law battery, or for an offense classified as a domestically related crime under § 6-233 of the Criminal Procedure Article is subject to a 15-year waiting period.

**Background:** As previously mentioned, the bill authorizes the expungement of a felony conviction for theft under § 7-104 of the Criminal Law Article, possession with intent to distribute a CDS under § 5-602(2) of the Criminal Law Article, and burglary under §§ 6-202(a), 6-203, or 6-204 of the Criminal Law Article, subject to specified existing statutory requirements and procedures. **Exhibit 1** contains information on the number of guilty dispositions for these offenses in the District Court and the circuit courts during fiscal 2017.

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**Exhibit 1**  
**Number of Guilty Dispositions for Convictions Eligible for Expungement**  
**Under the Bill**  
**District Court and Circuit Courts – Fiscal 2017**

<b><u>Offense</u></b>	<b><u>District Court</u> <u>Guilty</u> <u>Dispositions</u></b>	<b><u>Circuit Court</u> <u>Guilty</u> <u>Dispositions</u></b>
Felony Theft – Criminal Law Article, § 7-104	763	1,377
Possession with Intent to Distribute a Controlled Dangerous Substance – Criminal Law Article, § 5-602	0	2,019
Burglary – Criminal Law Article, § 6-202(a)	0	690
Burglary – Criminal Law Article, § 6-203	1	409
Burglary – Criminal Law Article, § 6-204	2	154
<b>Total</b>	<b>766</b>	<b>4,649</b>

Source: Maryland Judiciary

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**Exhibit 2** contains information on the number of expungement petitions filed in the District Court and the circuit courts from fiscal 2014 through 2017.



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**Exhibit 2**  
**Expungement Petitions Filed in the District Court and the Circuit Courts**  
**Fiscal 2014-2017**

<u>Year</u>	<u>District Court</u> <u>Expungement Petitions Filed</u>	<u>Circuit Courts</u> <u>Expungement Petitions Filed</u>
2014	35,737	4,025
2015	32,726	2,448
2016	39,706	4,706
2017	47,697	6,811

Source: Maryland Judiciary

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In general, the number of expungements received by the Maryland Criminal Justice Information System (CJIS) within DPSCS has steadily increased over the years, as shown in **Exhibit 3**. CJIS advises that this increase is due to legislation expanding eligibility for expungements and an increase in the number of occupations and employers requiring background checks. The numbers shown in the exhibit do not include expungements for individuals released without being charged with a crime. Those expungements are handled through a fairly automated process and involve significantly less work than other types of expungements.

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**Exhibit 3**  
**CJIS Expungements**  
**Calendar 2004-2017**

<u>Year</u>	<u>CJIS Expungements</u>	<u>Year</u>	<u>CJIS Expungements</u>
2004	15,769	2011	20,492
2005	16,760	2012	30,654
2006	20,612	2013	34,207
2007	21,772	2014	33,801
2008	24,200	2015	36,412
2009	25,146	2016	41,854
2010	27,199	2017	48,211

CJIS: Maryland Criminal Justice Information System

Source: Maryland Criminal Justice Information System; Department of Public Safety and Correctional Services

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**State Revenues:** General fund revenues increase minimally from filing fees for expungements. The District Court charges a \$30 filing fee for petitions to expunge a conviction. The bill expands expungement eligibility to include a conviction of specified felony offenses, including felony theft. While the District Court typically does not have jurisdiction over felony offenses, the District Court does have concurrent jurisdiction with the circuit courts over felony theft offenses.

**State Expenditures:** General fund expenditures for DPSCS may increase significantly in the long-term, depending on the cumulative effect of the bill's penalty provisions. General fund expenditures for MDH decrease minimally due to a reduction in drug treatment evaluations and services. General fund expenditures for the Judiciary increase by \$37,160 in fiscal 2019 only for computer reprogramming.

#### *DPSCS – Incarceration Expenditures*

Long-term cumulative general fund expenditures for DPSCS may increase significantly as a result of the bill's penalty provisions. The magnitude of the bill's impact on DPSCS expenditures cannot be reliably estimated at this time and depends on recidivism and the bill's overall impact on cumulative incarceration time and reduced turnover of beds in State correctional facilities compounded over time.

Many of the bill's penalty provisions apply to penalties for subsequent offenders. Thus, while the bill has a minimal impact on short-term incarceration expenditures, the bill may have a significant impact beyond the five-year estimate addressed in this fiscal and policy note. Listed below are illustrations of some of the potential effects of the bill's penalty provisions, based on information provided by DPSCS and the Judiciary.

- The bill prohibits a defendant serving a sentence for a crime of violence under § 14-101 of the Criminal Law Article from being eligible for evaluation or commitment to MDH for treatment until the defendant is eligible for parole. According to DPSCS, during fiscal 2017, 27 inmates convicted of crimes of violence were released into treatment. If these inmates had not been released, they would have spent a collective 196 years in incarceration, an average of approximately 7 years per inmate. Information is not readily available on how parole eligibility would affect this additional incarceration time. Assuming that these statistics remain constant, the bill gradually reduces turnover of DOC beds by increasing the number of occupied beds until reaching a maximum of 189 beds in fiscal 2026, where it remains each year thereafter as annual cohorts in this population enter and depart State correctional facilities. DPSCS further advises that from fiscal 2008 through 2017, an average of 44 inmates convicted of crimes of violence were released into treatment. Using this figure, the bill reduces turnover of DOC beds by 308 beds beginning in fiscal 2026 and each year thereafter.

- A person convicted under § 5-133 of the Public Safety Article who does not have a prior conviction for a “predicate crime” is guilty of a misdemeanor, punishable by imprisonment for up to 5 years and/or a \$10,000 maximum fine. This penalty increases to a felony, punishable by a nonsuspendable, nonparolable minimum sentence of 5 years and a maximum incarceration penalty of 15 years for a person with a prior conviction for a predicate crime. The bill adds §§ 5-621 and 5-622 of the Criminal Law Article to the list of predicate crimes, thus expanding the number of individuals subject to the higher incarceration penalty under § 5-133.

According to the Judiciary, during fiscal 2017, there were 13 guilty dispositions in the District Court and 245 guilty dispositions in the circuit courts for violations of § 5-133 involving a defendant who did not have a prior conviction for a predicate crime. During fiscal 2017, there were 252 guilty dispositions in the circuit courts for violations of § 5-133 involving defendants with a prior conviction for a predicate crime.

According to the Judiciary, there were 38 guilty dispositions under § 5-621(b)(1) and 55 guilty dispositions under § 5-622 in the circuit courts during fiscal 2017. The impact of this portion of the bill depends on recidivism among this population (including individuals with prior/older convictions for these offenses) and whether individuals convicted of these added offenses also have convictions for offenses currently classified as predicate crimes.

- The bill also alters the definition of “crime of violence” by substituting use of a “firearm” in the commission of a crime of violence or felony for use of a “handgun” in the commission of a crime of violence or felony. DPSCS advises that while 271 inmates received first-time sentences under § 4-204 of the Criminal Law Article (use of a firearm in the commission of a crime of violence or felony) and 5 inmates were sentenced for this crime as a subsequent offense during fiscal 2017, the department does not have information on how many inmates were sentenced for use of a handgun in the commission of a crime of violence or felony. The definition of “firearm” under § 4-204 includes a handgun. Thus, the number of individuals subject to increased penalties, diminished diminution credits, and reduced parole eligibility for a conviction of a crime of violence as a result of the bill is unknown at this time.
- The bill specifies that an individual convicted for the second time of a crime of violence is not eligible for parole. The Maryland Parole Commission (MPC) advises that the decision to grant parole is based on a variety of factors, and that while it is not unheard of for a person convicted for the second time of a crime of violence to receive parole, it is unlikely (5% to 10% based on anecdotal

recollections). According to MPC, removing eligibility for parole from this population (usually after serving 50% of the sentence) results in an inmate having to wait for release on mandatory supervision via application of diminution credits (usually after having served approximately 75% of the sentence). Thus, this estimate assumes that this portion of the bill does not significantly affect State finances.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,800 per month.

### *Judiciary – Expungements*

The bill alters the expungement provisions enacted as part of Chapter 515 of 2016 (the Justice Reinvestment Act) to include convictions for several felony offenses (theft, possession with intent to distribute a CDS, and specified burglary offenses). As noted in Exhibit 1, there were 766 guilty dispositions in the District Court and 4,649 guilty dispositions in the circuit courts during fiscal 2017 for the convictions eligible for expungement under the bill. The Judiciary advises that implementation of the bill requires reprogramming of its computer systems, at a cost of \$37,160 in fiscal 2019 only.

The Judiciary also advises that it needs to revise and reprint its expungement form and brochure, at a cost of \$10,750 in fiscal 2019. However, the Department of Legislative Services advises that revising printed materials to reflect changes to statute is a routine function of the Judiciary and can be incorporated into annual revisions of forms and brochures.

The number of petitions received as a result of the bill cannot be reliably determined at this time. However, it is likely that any increase in the number of petitions filed will be more significant in the immediate future (as individuals who have already completed the 15-year waiting period file petitions) and will stabilize over time. The Judiciary received 7 positions in fiscal 2018 and 11 positions in the fiscal 2019 budget to implement the expungement provisions of the Justice Reinvestment Act, which took effect October 1, 2017. Thus, the need for additional personnel to implement the provisions of the bill depends on the number of additional petitions filed and the ability of the 18 new administrative positions to accommodate any additional workload generated by the bill, which can only be determined with actual experience under the bill. The Judiciary advises that although the bill may result in an initial increase in filings for petitions for expungement, it does not anticipate a significant long-term fiscal or operational impact from the bill.

## *DPSCS – Expungements*

The number of expungement orders CJIS within DPSCS receives from courts as a result of the bill cannot be reliably determined at this time. In fiscal 2017, there were approximately 47,697 expungements filed in the District Court (32,589 cases expunged – 68.3%) and approximately 6,811 expungements filed in the circuit courts (3,846 cases expunged – 56.5%). These statistics do not include petitions for expungement filed under the Justice Reinvestment Act, which took effect October 1, 2017. As previously noted, there were 5,415 guilty dispositions in the District Court and the circuit courts in fiscal 2017 that may be eligible for expungement under the bill based on offense alone. CJIS’s workload is determined by expungement orders actually issued by the courts.

CJIS has historically advised that it needs an additional clerk for every 2,500 expungements generated. Any increase in the number of expungement orders CJIS receives from the courts as a result of the bill is likely to be larger at first, but stabilize over time. Given the fiscal 2017 statistics on the number of convictions eligible for expungement under the bill, it is unlikely that the bill necessitates the need for additional long-term CJIS personnel. *For illustrative purposes only*, the cost associated with hiring one expungement clerk is \$40,978 in fiscal 2019 (which reflects the bill’s October 1, 2018 effective date) and \$48,699 in fiscal 2020.

**Local Revenues:** Local revenues may increase significantly from filing fees for petitions for expungement filed in the circuit courts. A petitioner is charged a filing fee regardless of the outcome of the petition. However, a petitioner may request a waiver of the fee due to financial hardship. The bill expands eligibility for expungement to include convictions for multiple specified felony offenses. Felonies are typically under the jurisdiction of the circuit courts. As noted above, 4,649 circuit court convictions during fiscal 2017 would be eligible for expungement based solely on the offense. Using this figure and the \$30 filing fee results in \$139,470 in additional local revenue. However, this does not account for individuals with older convictions, the petitioning rate among individuals with eligible convictions, individuals with convictions eligible for expungement under the bill who are also eligible to file for expungement of other convictions under the Justice Reinvestment Act included in the same petition, or individuals granted waivers of the filing fee.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Dorchester, and Montgomery counties; Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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