

SENATE BILL 874

E2

EMERGENCY BILL

11r2743
CF HB 882

By: **Senator Jackson**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Workgroup to Study Partial Expungement**

3 FOR the purpose of ~~establishing the Workgroup to Study Partial Expungement; providing~~
4 ~~for the composition, chair, and staffing of the Workgroup; prohibiting a member of~~
5 ~~the Workgroup from receiving certain compensation, but authorizing the~~
6 ~~reimbursement of certain expenses; requiring the Workgroup to study and make~~
7 ~~recommendations regarding certain matters; requiring the Workgroup to submit a~~
8 ~~report to the General Assembly on or before a certain date; providing for the~~
9 ~~termination of this Act; altering the name of the Partial Expungement Workgroup~~
10 to be the Workgroup to Study Partial Expungement; altering the composition of the
11 Workgroup; altering the requirement for the selection of the chair of the Workgroup;
12 altering the due date by which the Workgroup is required to submit a certain report
13 on certain findings and recommendations; altering the termination date for the
14 Workgroup; making this Act an emergency measure; and generally relating to the
15 Workgroup to Study Partial Expungement.

16 BY repealing and reenacting, with amendments,
17 Chapter 31 of the Acts of the General Assembly of 2021
18 Section 3 and 6

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 (a) ~~There is a Workgroup to Study Partial Expungement.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 ~~(b) The Workgroup consists of the following members:~~
- 2 ~~(1) two members of the Senate of Maryland, appointed by the President of~~
3 ~~the Senate;~~
- 4 ~~(2) two members of the House of Delegates, appointed by the Speaker of~~
5 ~~the House;~~
- 6 ~~(3) the Public Defender, or the Public Defender's designee;~~
- 7 ~~(4) one representative of the Administrative Office of the Courts, appointed~~
8 ~~by the Governor;~~
- 9 ~~(5) the President of the Maryland State's Attorneys' Association, or the~~
10 ~~President's designee; and~~
- 11 ~~(6) one representative of the Job Opportunities Task Force, appointed by~~
12 ~~the Governor.~~
- 13 ~~(c) The Workgroup shall elect a chair from among its members.~~
- 14 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
15 ~~provide staff for the Workgroup.~~
- 16 ~~(e) A member of the Workgroup:~~
- 17 ~~(1) may not receive compensation as a member of the Workgroup; but~~
- 18 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
19 ~~Travel Regulations, as provided in the State budget.~~
- 20 ~~(f) The Workgroup shall study and develop a plan and legislative~~
21 ~~recommendations for enabling the expungement of criminal charges that are currently not~~
22 ~~eligible for expungement because of the requirements of § 10-107 of the Criminal Procedure~~
23 ~~Article.~~
- 24 ~~(g) On or before January 5, 2022, the Workgroup shall report its plan and~~
25 ~~legislative recommendations to the General Assembly, in accordance with § 2-1257 of the~~
26 ~~State Government Article.~~

27 **Chapter 31 of the Acts of 2021**

28 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

- 29 (a) **There is a [Partial Expungement Workgroup] WORKGROUP TO STUDY**
30 **PARTIAL EXPUNGEMENT.**

- 1 **(b)** The Workgroup consists of the following members:
- 2 (1) two members of the Senate of Maryland, appointed by the President of
3 the Senate;
- 4 (2) two members of the House of Delegates, appointed by the Speaker of
5 the House;
- 6 (3) the Public Defender, or the Public Defender's designee;
- 7 (4) one representative of the Administrative Office of the Courts,
8 **APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS; [and]**
- 9 (5) the President of the Maryland State's Attorneys' Association, or the
10 President's designee; AND
- 11 **(6) ONE REPRESENTATIVE OF THE JOB OPPORTUNITIES TASK**
12 **FORCE, APPOINTED BY THE GOVERNOR.**
- 13 (c) The Workgroup shall [designate the chair of the Workgroup] **ELECT A CHAIR**
14 **FROM AMONG ITS MEMBERS.**
- 15 (d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall
16 provide staff for the Workgroup.
- 17 (e) A member of the Workgroup:
- 18 (1) may not receive compensation as a member of the Workgroup; but
- 19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.
- 21 (f) The Workgroup shall study and develop a plan and legislative
22 recommendations for enabling the expungement of criminal charges that are currently not
23 eligible for expungement because of the requirements of § 10-107 of the Criminal Procedure
24 Article.
- 25 (g) On or before January 5, [2021] **2022**, the Workgroup shall report its plan and
26 legislative recommendations to the General Assembly, in accordance with § 2-1257 of the
27 State Government Article.
- 28 **SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Sections 4 and 5 of**
29 **this Act, this Act shall take effect June 1, 2020. Section 3 of this Act shall remain effective**
30 **for a period of [1 year] **2 YEARS** and 1 month and, at the end of June 30, [2021] **2022**,**
31 **Section 3 of this Act, with no further action required by the General Assembly, shall be**
32 **abrogated and of no further force and effect.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 2 measure, is necessary for the immediate preservation of public health or safety, has been
 3 passed by a yea and nay vote supported by three-fifths of all the members elected to each
 4 of the two Houses of the General Assembly, and shall take effect from the date it is enacted.
 5 ~~It shall remain effective for a period of 1 year and 6 months from the date it is enacted and,~~
 6 ~~at the end of the 1 year and 6 month period, this Act, with no further action required by~~
 7 ~~the General Assembly, shall be abrogated and of no further force and effect.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.