



Department of Public Safety and Correctional Services

Office of the Secretary Office of Legislative Affairs

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STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.
GOVERNOR

BILL: SENATE BILL 589

BOYD K. RUTHERFORD
LT. GOVERNOR

POSITION: LETTER OF INFORMATION

STEPHEN T. MOYER
SECRETARY

EXPLANATION: The bill (1) repeals the prohibition on expungement of a charge within a “unit” of charges unless all of the charges in the unit are eligible for expungement and authorizes a person to file a petition for partial expungement of eligible charges when two or more charges arise from the same incident, transaction, or set of facts, and one or more of the charges are not eligible for expungement; and (2) requires the court to order that a police or court record regarding the charges eligible for partial expungement be removed from the public website maintained by the Maryland Judiciary and within records submitted to the Central Repository.

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COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) houses the Criminal Justice Information System (CJIS) that is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily or regulatorily authorized entities.
- If a partial expungement court order were received by CJIS, extensive manual research would be required by the Department’s Information Technology and Communications Division (ITCD) to locate and determine what charges are eligible and to ensure any stipulations have been met in order for the expungement to take place according to law.
- According to the bill, if charges are not eligible for expungement, the court may order the information to remain as it is in the system and limit its inspection to criminal justice agencies. To accomplish such a task, ITCD would have to re-program its systems in order to filter out which records are limited and which records can be fully shared.
- In order to implement this bill, substantial program changes to the CJIS system would be necessary, a unit to perform the manual expungement research and work would need to be created and staff hired to ensure required records are being limited to criminal justice agencies and not otherwise shared.

- The Expungement Unit would have to search each charge because: (1) charges prior to 2004 do not have a CJIS codes; and (2) dispositions, if present have to be evaluated to determine if the unit of charges are eligible and if not present within the system must be researched and attained.
- Additionally, each charge would need to be manually searched to ensure that the correct record is being processed and responded to due to inconsistencies (demographics, tracking numbers, case numbers, and dispositions) and to determine if a 2004 eligible, conviction was present.
- Therefore, for CJIS to do partial expungements, it would cost the Department approximately \$1,042,929 in the first year and exceed \$682,226 each year thereafter.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on Senate Bill 589.