

Bill Number: SB811

Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN
OPPOSITION TO SENATE BILL 811,
CRIMINAL PROCEDURE
AUTOMATIC EXPUNGEMENT

I write in opposition of Senate Bill 811 which would mandate automatic expungements. Over the last several years, the Legislature has greatly expanded the law of expungements. The expungement petitions we currently receive makes it nearly impossible to keep up with the workload.

To shift that burden to having the State keep track of and initiate the expungement is an unfunded mandate. Who is going to keep track of all these cases and the dates for when we have to expunge? My office would have to hire additional personnel just to track and expunge these records.

In addition, expunging a probation before judgment immediately after the conditions of probation have been satisfied does not make sense. Please remember prior to the entry of a probation before judgement, a Judge or jury have found the Defendant guilty. The guilty is stricken and a PBJ can be entered. A Judge may place the Defendant on three or five years' probation to see how the Defendant performs. If the conditions are completed in six months, then there will be no file or record should they get convicted of something else in three years. With Justice Reinvestment probation terms are now being abated. This will make expungement even earlier.

Further, this bill does not contain the factors which would make expungement unavailable. Most importantly, currently a probation before judgement cannot be expunged if the defendant commits another crime or crimes within three years of the PBJ. That does not exist in their bill. It makes no sense that a person can expunge a PBJ if they continue to commit crimes.

I urge an unfavorable report of Senate Bill 811.