



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 28, 2020

RE: **HB 83 Criminal Procedure – Automated Expungement – Possession of Marijuana**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 83. This bill would provide for the automatic expungement of all court and police records relating to any disposition of a charge of possession of marijuana. The bill also establishes a timeframe for the expungement determined by whether another charge is associated with the possession charge.

MCPA and MSA understands the desire to provide a second chance for persons in certain circumstances but is concerned with the automatic expungement of charges. HB 83 provides no opportunity for the State's Attorney to note an objection to the expungement for any reason. Further, it applies in the following situations:

- if the defendant negotiated a plea agreement that reduced a felony charge to simple possession of marijuana;
- if the defendant is currently in violation of terms of probation;
- if the defendant is a wanted fugitive;
- if there are pending related civil proceedings involving the defendant; and,
- if there are pending appeals related to defendant's criminal conviction.

In addition, no notice of the contemplated expungement would be provided to any witnesses testifying in the case; and extensive and costly work hours and/or computer programming would be necessary to search for applicable records potentially extending over several decades.

Before any changes are made to the expungement process these matters need to be addressed. Input is needed from the judiciary, prosecutors and law enforcement to ensure public safety.

For these reasons, MCPA and MSA OPPOSE HB 83 and urge an UNFAVORABLE Committee report.