



Department of Public Safety and Correctional Services

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BILL: SENATE BILL 874

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill establishes a Workgroup to Study Partial Expungement that will study and develop a plan and make recommendations for enabling the expungement of criminal charges that are currently not eligible for expungement under § 10-107 of the Criminal Procedure Article. **The bill as introduced does not include a member of the Department of Public Safety and Correctional Services, but the Department's Criminal Justice Information System plays an integral part in the expungement process.**

COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily authorized entities.
- CJIS, as the Central Repository for police and court records, within 60 days after entry of a court order, is statutorily responsible for removing the record(s) identified in the court order from public inspection.
- A partial expungement process would require extensive manual research 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. It would also require extensive programming of current systems to filter out which records are limited and which records can be fully shared.
- As such, it is imperative that a Workgroup established to discuss partial expungement should include the State agency responsible for maintaining, disseminating, and expunging criminal history record information.

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 874.