

Department of Public Safety and Correctional Services



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BILL: SENATE BILL 114

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill proposes allowing individuals to file for a petition of expungement when the person has been convicted of driving while the privilege is canceled, suspended, refused, or revoked under Transportation Article Title 16. **The Department does NOT have the ability to expunge these convictions as that function falls under the purview of the Motor Vehicle Administration.**

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.
- SB 114 adds § 16-303 of the Transportation Article to Criminal Procedure § 10 -110 which allows an individual to petition for an expungement of conviction(s) of driving while the privilege has been canceled, suspended, or revoked. Data expungement pursuant to the Transportation Article is the purview of the Motor Vehicle Administration.
- Data about violations of traffic laws are not considered criminal history record information under Criminal Procedure Article § 10-201. These violations appear on an individual's driving record. As such, the Department is unable to expunge violations of traffic laws.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates Senate Bill 114.