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January 19, 2021

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Office of the Attorney General

Re: SB0114 – Criminal Procedure – Expungement of Conviction – Driving While Privilege  
Is Canceled, Suspended, Refused, or Revoked – **Letter of Support**

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The Office of Attorney General urges this Committee to support Senate Bill 114. The legislation allows a person to file a petition for expungement if the person is convicted of a misdemeanor because the person drove while the person's driver's license was canceled, suspended, refused, or revoked.

Modern criminal law "acknowledge[s] the importance of rehabilitation" and it is one of the main considerations behind criminal sentencing.<sup>1</sup> We want to provide a rehabilitation option for individuals so they can reintegrate into the society.<sup>2</sup> Without a rehabilitation opportunity, an individual will suffer through invisible punishments and face potential collateral consequences by having a criminal record.<sup>3</sup> For example, a criminal history would potentially deny access to higher education, employment, travel restrictions, and unnecessary social stigma.<sup>4</sup>

Senate Bill 114 provides this rehabilitation option to reduce collateral consequences. The bill, consequently, provides a new opportunity for an individual to reintegrate into the society. The bill allows an individual to file a petition for expungement against a misdemeanor, which one received when one drove while one's driver's license was canceled, suspended, refused, or revoked. Providing an expungement opportunity is also proper because it reduces discrimination against individuals who may have rehabilitated and may not commit same actions again.<sup>5</sup>

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<sup>1</sup> Eldar Haber, *Digital Expungement*, 77 MD. L. REV. 337, 340 (2018).

<sup>2</sup> *See id.* at 342.

<sup>3</sup> *See id.*

<sup>4</sup> *See id.* at 343.

<sup>5</sup> *See id.* at 346.

Modern society should punish to reduce recidivism and such punishment should not impose an unnecessary social stigma.<sup>6</sup>

For the foregoing reasons, the Office of the Attorney General urges a favorable report of the Senate Bill 0114.

cc: Members of the Judicial Proceedings Committee

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<sup>6</sup> *See generally id.*