

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1269
Criminal Procedure – Expungement of Records – Waiting Period
DATE: February 7, 2021
(3/9)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1269. This bill alters the amount of time a person must wait before seeking the expungement of records.

The Judiciary opposes this bill because it would allow for expungement of records of a criminal charge before the expiration of the three-year statute of limitations for civil claims related to that charge, and without a general waiver of any such civil claims. While the time period for expungement is a legislative prerogative, the incongruity in time periods without the requirement for a general waiver of civil claims is problematic. As a result of this differential, a civil claim by the criminal defendant concerning the circumstances of their arrest, detention, or confinement could be filed even when the case has already been expunged which would mean that documentary evidence relevant to the civil case may no longer be available. This could place civil defendants in the position of not having records needed to defend themselves against such a civil claim.

cc. Hon. Wanika Fisher
Judicial Council
Legislative Committee
Kelley O'Connor