



TESTIMONY IN SUPPORT OF HOUSE 238
CRIMINAL PROCEDURE - AUTOMATIC EXPUNGEMENT

To: Delegate Luke Clippinger, Chair; and members of the House Judiciary Committee
From: Mary Denise Davis, OPD Expungement Clinic Leader and Back to the Neighborhood Event Organizer
Date: February 23, 2021

The Office of the Public Defender (OPD) supports the passing of HB 238 as a means of restoring clients whose cases resulted in a favorable disposition by placing them in a position as close as possible which they occupied before the arrest. It is in no way completely restores them but it is a huge step in the right direction.

- Removes the taint of being guilty simply because of the arrest. Too often an arrest becomes a sign of guilt for employers, landlords, browsers of MD Judiciary Case Search, ASAs, etc. Let a person be judged on guilty findings alone.
- Clients should not bear the responsibility of having to expunge these favorable dispositions.
- The Court system has entered the 21st Century and the lack of technology should not be the reason to prevent automatic expungement.
- Since 2007, Maryland has allowed automatic expungement for "release without charges" arrests.

Attached is an overview of the changes in the expungement law since 2007. Only the change in 2007 addressed the process of expunging a case. The other changes all expanded eligible cases. However, it is long overdue to revisit the expungement process itself. Make it easier for clients and it makes it easy for expungement service providers and criminal attorneys to focus on expungement cases that require more oversight and more likely a hearing being scheduled.

It can be done and should be done; let's move forward.

The OPD urges that this Bill receives a favorable report and eventually becomes law that will uphold the principle of the presumption of innocence when it comes to favorable dispositions.