

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

April 1, 2021

To: The Honorable Luke Clippinger
Chair, Judiciary 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**

The Office of Attorney General urges this Committee to favorably report 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.

Last session, the Attorney General proposed, and the General Assembly unanimously passed, legislation (SB 234/HB 280) to reinstate driver's licenses that were canceled, suspended, refused, or revoked for failure to pay fines and fees. Some 89,000 Marylanders got their licenses back due to this groundbreaking legislation. However, many of these same Marylanders may have been convicted of driving on a canceled, suspended, refused, or revoked license. We believe that such convictions should be expungable.

A criminal history would potentially deny access to higher education and employment, or cause travel restrictions and an unnecessary social stigma.¹ Senate Bill 114 will reduce these collateral consequences. 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 are unlikely to

¹ Eldar Haber, DIGITAL EXPUNGEMENT, 77 MD. L. REV. 337, 343 (2018).

commit the same actions again.² Modern society should punish to reduce recidivism and such punishment should not impose an unnecessary social stigma.³

For the foregoing reasons, the Office of the Attorney General urges a favorable report on the Senate Bill 114.

cc: Members of the Judiciary Committee

² *See id.* at 346.

³ *See generally id.*