

**Unfavorable Response to SB356**  
**Criminal Procedure – Expungement – Entitlement**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses.

Maryland is striving to make reforms to the Criminal Justice System. The most recent [Maryland Sexual Offender Advisory Board Report](#) to the General Assembly recommends the Risk-Need-Responsivity management strategy as fundamental to offender rehabilitation. This broad-brush approach is the wrong way to go. Sexual offense statutes and the registry include as many acts as possible.

Most sexual offenses are already excluded from expungement because they are listed as Crimes of Violence according to Criminal statute 14-101. The only registered persons to benefit from expungement are low-risk: those with misdemeanors who are serving probation before judgement (PBJ), and persons with a single, non-violent offense.

As this law is currently enforced, the court has already determined a successful benefit to the offender and for society at large, related to characteristics of the specific person and offense. This group is assigned to a closely monitored and rigorous probationary period of 3-5 years. Any probation violation can cause their sentence to be cleared and replaced with the maximum sentence allowed.

It is unclear if this bill would be applied retroactively. If it is, this may trigger a constitutional challenge. Often persons take specific pleas with the understanding there is potential for an expungement.

FAIR is also concerned that excluding expungement due to unpaid court costs and fines could prevent a person from improved chances to become a productive citizen and PAY court costs and fines. Many on parole or probation are struggling at the most basic levels. Monetary obligations often accrue during incarceration or parole, especially child support, reentry costs for basic amenities, and treatment.

To conclude, excluding nonviolent registrants and those unable to pay costs will result in negative consequences to the former offender, to society, and to the state. We urge an unfavorable response to SB356.

Sincerely,



Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries