

MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director of Advocacy Initiatives and Member Engagement

Subject: House Bill 1442 – Criminal Procedure – Expungement of Records - Modification

Date: March 11, 2022

Position: Informational Letter

The Maryland State Bar Association (MSBA) respectfully files this informational letter on **House Bill 1442 – Criminal Procedure – Expungement of Records – Modification**. House Bill 1442 authorizes the expungement of certain arrest warrants under certain circumstances; alters the waiting periods for applying for expungement of certain records; alters the convictions for which an individual may seek expungement; and prohibits certain records from being expunged by obliteration for a certain period of time and limits access to the records during that time.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland’s legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

HB 1442 reflects the continued and necessary effort to expand expungement to help those with criminal charges and convictions achieve better outcomes in employment, housing, education, and benefits. Many Marylanders, particularly minorities, face barriers to these opportunities due to their criminal background.

MSBA generally supports the expansion of expungement categories and shortening the time period before an expungement can occur. However, MSBA has concerns about the specific language of HB 1442 in §10-110 that would permit expungement of significant economic crimes in both the misdemeanor and felony categories.

MSBA recommends adding proposed amendments to two sections of the bill:

1) §10-110 (a)(1): to the categories of misdemeanors that should be excluded from expungement, to add those concerning economic dishonesty, theft (including from employer or non-profit), fraud, and embezzlement; and

2) §10-110(a)(2): to the categories of felonies that should be excluded from expungement, to add those concerning economic crimes.

MSBA recognizes and appreciates the powerful impact that expungements can have on improving community outcomes for Marylanders, but has specific concerns about the broad expansion of categories of crimes without excluding the economic crimes listed above.

MSBA welcomes an opportunity to be a resource and provide relevant feedback. MSBA also suggests the creation (or revival) of the workgroup to consider classifications of crimes for expungement reform. MSBA would be glad to shepherd the workgroup and bring subject-matter experts from our criminal law practitioners to lead the group. Please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org for further information.