

SB0088 Pardons Possession of Cannabis.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0088

Criminal Procedure - Automatic Expungement - Pardoned Conviction of Possession of Cannabis (Pardons for Simple Possession of Cannabis Act of 2023)

Bill Sponsor: Senator Waldstreicher

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0088 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

As Maryland, and other states wrestle with the fact that so many residents have been incarcerated for simple possession of marijuana, which will be legal in July, we must find a quick method for removing the stain that those convictions have had on the lives of so many people. This bill would mandate that all records related to convictions for possession be immediately expunged after a pardon is given by the Governor. The records will not be destroyed for three years but will not be searchable by anyone who does not have a legitimate reason for accessing them. After three years, they will be destroyed.

We believe that this is not only necessary, but past due for so many people.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 88.pdf

Uploaded by: Eric Sterling

Position: FAV

TESTIMONY IN SUPPORT OF SB 88

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Eric E. Sterling, J.D. (Executive Director, Criminal Justice Policy Foundation, 1989-2020)

February 2, 2023

I support the SB 88 in order to strengthen communities in Maryland and the state's economy.

Hundreds of thousands of men and women in Maryland have a criminal record for conduct that is often many years old. Many young people -- impetuously or under the influence of drugs and alcohol -- engage in misconduct that led to an arrest that was resolved by a plea bargain and conviction. For most of these people this is the last time they were involved in the justice system. For others, the lessons took longer to learn, but they were learned, and now these men and women are seeking to be full participants in the society -- raising families and earning a living.

It must be the goal of society to maximize the number of people who can function fully in our society -- as family members, earning a living, paying taxes, voting, and serving the community.

Those old criminal records are a substantial barrier for the people who have them and hinder our state's economy and communities. It is in the public interest, as well as in the interest of justice, to enable people who have demonstrated that they are rehabilitated to live with a clean slate once again.

For these reasons, I urge a favorable report on SB 88.

Eric E. Sterling
Chevy Chase, MD 20815
(18th District)
eric.sterling@gmail.com

2023-02-02 SB 88 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



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February 2, 2023

TO: The Honorable Will Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB 0088 – Criminal Procedure – Automatic Expungement – Pardoned
Conviction of Possession of Cannabis (Pardons for Simple Possession of
Cannabis Act of 2023) – **Support**

The Office of Attorney General urges this Committee to favorably report Senate Bill 88. Vice Chair Waldstreicher's and Senator Carter's bill would require a conviction for simple possession of cannabis that has been fully and unconditionally pardoned by the Governor to be automatically expunged from an individual's record. The bill also outlines the procedure in which the courts, Central Repository, law enforcement agencies, and booking facilities would follow to search for and expunge such convictions. Additionally, if an expungement is not effectuated in accordance with these requirements, the individual entitled to expungement may file a petition.

In 2021, following the implementation of various marijuana decriminalization laws requiring expungement for low-level cases, the New Jersey Supreme Court ordered the expungement of nearly 360,000 convictions.¹ This past November, Marylanders voted to pass a ballot referendum legalizing adult use of cannabis. Maryland can, and should, follow suit in automatically expunging records of simple possession for cannabis.

A criminal record severely restricts an individual's access to employment, housing, education, public assistance, and more.² This limited access affects not only individuals' socio-

¹ NEW JERSEY COURTS, *Notice and Order – Automated Processes for Certain Marijuana and Hashish Cases in Accordance with the Marijuana Decriminalization Law* (July 1, 2021) (available at <https://www.njcourts.gov/notices/notice-and-order-automated-processes-certain-marijuana-and-hashish-cases-accordance>).

² Kenny Lo, *Expunging and Sealing Criminal Records: How Jurisdictions Can Expand Access to Second Chances*, CENTER FOR AMERICAN PROGRESS (Apr. 15, 2020), <https://www.americanprogress.org/article/expunging-clearing-criminal-records/>.

economic well-being, but can extend across generations, impairing outcomes for their children as well.³

Compared to other publicly-funded programs designed to improve these outcomes, such as job-training programs, expungement provides more favorable results and bears minimal costs, which may be further reduced with an automated process.⁴ In addition, research shows that individuals with expunged criminal records commit subsequent offenses at lower rates than the general public.⁵ Therefore, removing the barriers to prosperity associated with a criminal record upon the Governor's pardon can alleviate hardships and improve outcomes for these individuals, with little threat to public safety.

For the foregoing reasons, the Office of Attorney General urges a favorable report on Senate Bill 88, and advises that the Judiciary be given sufficient resources to implement the bill.

³ *Id.*

⁴ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2551–52 (2020) (available at <https://repository.law.umich.edu/articles/2165>).

⁵ *Id.* at 2552.

SB0088 JOTF FAV - Criminal Procedure - Automatic E

Uploaded by: Ioana Stoica

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 0088:

**Criminal Procedure - Automatic Expungement -
Pardoned Conviction of Possession of Cannabis**

TO: Chair William Smith and Members of the Senate Judicial Proceedings Committee

FROM: Ioana Stoica, Policy Advocate

DATE: Wednesday, February 1, 2023

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF strongly supports Senate Bill 0088** as a means of automatically expunging pardoned possession of cannabis convictions and thus opening doors to employment, housing, and public assistance, especially for individuals who have been significantly and disproportionately affected by unjust enforcement of cannabis possession laws.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. The Collateral Consequences Resource Center estimates that there are over 1100 consequences of having a criminal record, including barriers to employment, housing, education, public assistance, and occupational licensing.

Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. 70% of employers in Maryland will conduct a background check on *all* of their job applicants and will deny employment on the basis of the appearance of a record, regardless if the individual was found guilty or not. For this reason, if we desire to ensure solid access to employment for all workers- especially for those whose convictions are unconditionally pardoned by the Governor, it is imperative that the General Assembly vote favorably on Senate Bill 0088.

According to the ACLU, marijuana arrests account for over half of all drug arrests, and arrest data revealed significant racial bias. Despite individuals of different races using cannabis at roughly equivalent rates, the rate of arrest for our black residents is almost four times higher. In

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Maryland, 59% of all marijuana arrests have been of black individuals. The legacy of discriminatory enforcement is reflected in our state's incarceration trends: 52% of people in our jails and 69% of people in our prisons are black, although black individuals constitute only 31% of all state residents. The resulting criminal histories, and the long waiting periods for expungements, limit job opportunities of many black job seekers.

In 2022, after years of intense debate, the State of Maryland and our residents took a strong stand to decriminalize marijuana, and we commend legislators for working diligently this Legislative Session to implement the will of the people of our state. We urge you to begin by passing this important bill, which would ease the burden of seeking and paying for expungement for individuals who have already been disproportionately targeted and disenfranchised by our unjust system.

JOTF strongly surges a favorable report for Senate Bill 0088.

For more information, contact:

Ioana Stoica / Policy Advocate / ioana@jotf.org / 240-643-0059

Senator Jeff Waldstreicher Testimony - SB 88 - Mar

Uploaded by: Jeff Waldstreicher

Position: FAV

SENATOR JEFF WALDSTREICHER
Legislative District 18
Montgomery County

Vice Chair
Judicial Proceedings Committee

Joint Committee on Federal Relations



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The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jeff Waldstreicher
Senate Bill 88 – Criminal Procedure – Automatic Expungement – Pardoned Conviction of Possession of Cannabis (Pardons for Simple Possession of Cannabis Act of 2023)

February 2, 2023

Chairman Smith & Members of the Judicial Proceedings Committee:

This past year, there were two big developments in cannabis policy. First, President Biden announced a federal pardon for everyone who had been convicted of simple possession of marijuana. Second, Maryland voters approved a ballot measure to legalize small amounts of adult-use cannabis. Maryland joined several states across the country in doing so.

No doubt, passage of this ballot measure was a great step forward – but there is still work to be done. President Biden’s historic pardon applies only to those who have *federal* convictions. The overwhelming majority of simple-possession convictions are at the *state* level, however.

As you may know, this Administration has indicated that it may follow President Biden’s lead and pardon all Marylanders simple possession of marijuana convictions. That got me curious about a question that is at the core of this legislation:

Does a pardoned offense automatically get expunged? If the answer is no, this could result in an untenable policy result. Imagine having a simple possession of marijuana conviction from two decades ago. You then receive a full pardon from the Governor of the State of Maryland. Later, you apply for a job, believing your record to be clear. But the employer brings up the conviction in the interview and suddenly your job prospects are dramatically dimmed.

In my research, that’s exactly what I found. In other words, in Maryland pardons don’t automatically trigger expungements. They are separate concepts and don’t travel together. And the that will cause unnecessary pain and confusion when it comes to those applying for employment, credit, or housing.

Senate Bill 88 would solve this issue by automatically expunging the records of all Marylanders who are pardoned by the Governor for simple possession of marijuana convictions—and only such convictions. Under this bill, individuals would be granted automatic relief—they wouldn’t have to wait for years to see if they are eligible, and they wouldn’t need to petition a court.

In sum, the Pardons for Simple Possession of Cannabis Act of 2023 is a narrow, restorative bill that rationalizes our pardon policy with our expungement policy. For these reasons, I respectfully urge a favorable report on Senate Bill 88.

Very truly yours,

A handwritten signature in black ink, reading "Jeff Waldstreicher". The signature is written in a cursive style with a large, stylized "J" and "W".

Senator Jeff Waldstreicher

MD SB 88 LPP Testimony_03.01.23_FT.pdf

Uploaded by: Frances Trousdale

Position: FWA



Testimony from Gracie Johnson
State Policy Director
Last Prisoner Project

RE: Last Prisoner Project Calls on Maryland Legislature to Expand Expungement Opportunities in SB 88

February 1, 2023

Dear Members of the Judicial Proceedings Committee,

When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. The magnitude of this shifting perception is clear in the landscape of national legalization, as adult-use cannabis is now legal in 21 states. However, simply repealing the prohibition of cannabis is insufficient: millions of individuals across the U.S. still bear the lifelong burden of having a cannabis record, and tens of thousands are actively serving sentences for cannabis-related convictions.

We applaud the state of Maryland for including provisions to provide limited automatic record clearance for possession offenses as part of legalization, and are encouraged to see that Maryland is working to further confront the injustice wrought by prohibition policies. As SB 88 affirms, state-initiated record clearance is an evidence-based policy that is key to redressing the lasting harm caused by cannabis criminal records and the barriers they impose to success. The negative effects of a criminal record on an individual's life are well-documented. Even minor offenses, such as nonviolent drug possession, carry lifelong consequences that can impact an individual's access to employment, housing, voting, financial stability, social assistance programs, and other opportunities, despite the debt that has already been paid to society. State-initiated record clearance is a process in which local and state agencies identify and clear eligible records, with no action or payment required by the record holder.

For these reasons, LPP offers its support of SB 88, particularly in light of its state-initiated process and clear timeline. Yet, given the importance and impact of record clearance, we urge the legislature to go further. We encourage SB 88 to offer a broader eligibility scheme that goes beyond possession, ensures no waiting period, and enacts more rigorous oversight requirements.

Additionally, LPP encourages the legislature to consider state-initiated resentencing as another cornerstone of comprehensive cannabis policy. The War on Drugs and the criminalization of cannabis-related activities have created a racially inequitable criminal legal system where people of color are nearly four times more likely than their white counterparts to be arrested for cannabis, despite similar consumption rates. Requiring Maryland courts to reconsider cannabis-related sentences upon prohibition's repeal provides a pathway to relief for individuals whose continued incarceration will no longer be in the interests of justice.

We implore the committee to amend SB 88 by expanding its record clearance eligibility and guaranteeing the reconsideration of cannabis-related sentences. It is essential that Maryland allows those trapped in jails, prisons, or on supervision for cannabis-related activities to have a fair pathway to relief, and we offer LPP's expertise on how to do so. Thank you for your consideration.

About Last Prisoner Project

The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Maryland.

Strib'ble Districtsb88 .docx.pdf

Uploaded by: LaWann Stribling

Position: FWA



Maryland General Assembly
Maryland Senate Judicial Committee
Annapolis, MD - February 1, 2023

Testimony from LaWann Stribling, Strib'ble District LLC

Support: Criminal Procedure - Automatic Expungement - Pardoned Conviction of Possession of Cannabis (Pardons for Simple Possession of Cannabis Act of 2023) - (SB0088)

Thank you for your commitment to end the “intentional” war on drugs. Before I go into the referendum request, I would like to begin with why being treated like a criminal for using nature's medicine should without a doubt end.

In order to understand how we got to this point in law, one needs to know the history behind the War on Drugs. In 1930, Harry Anslinger was appointed by his father to be the first Commissioner of the Federal Bureau of Narcotics, now known today as the DEA. From his appointed positions Anslinger opined for extremely harsh drug laws and ridiculously long prison sentences. This began the foundation that ultimately led to the mass incarceration of people of color, mainly those of African and Mexican descent. From then, Police Departments began to have militarized access to raid homes and businesses of Black and Brown residents which included known musicians, actors and actresses.

Persecuting Black and Brown Residents destroyed the backbone for these families for centuries to come. It is 2022 and we are still suffering from the damage caused by Anslinger's – and later Richard Nixon, Reagan & Clinton's, ramped up War on Drugs. This War on Drugs has created a profitable business for Private Prisons, bail bonds and cities across the country and nation. Anslinger associated cannabis use with the enabling of Black and Brown residents with the

belief that it gave us a sense of entitlement for success. Being able to use laws to harass, incarcerate and murder have created the world we live in today that is full of inequities, inequalities and injustices.

Addressing the criminality in Cannabis today would free those incarcerated, change the racist laws surrounding drugs and plants and give hope to our current and future generations. Social equity in Cannabis would allow families to rebuild what has been stripped from them. Decriminalizing this type of profiling will begin to address the disenfranchisement and inequity would begin to correct the decades of unfairness to many Black and Brown families. It's HOPE, hope that we can live our lives using natural holistic methods for wellness without criminalization and prosecution. To have a way for families to build up wealth and change the climate of poverty, red lining, lack of education, proper medical care, finances and resources.

I aspired to apply to be a processor on the cottage level for cannabis infusions. That dream quickly faded when I began to read the application process. That dream would not come to fruition with current policies that emphasize the need for excessive equity and capital. I do not possess either! I could not afford step 1 in the application process which cuts my family's cottage business dreams down. Providing low barriers of entry into the industry seeks to amend the history of injustices surrounding marihuana, poverty, redlining, mass incarceration and lack of wealth and resources for Black and Brown residents. I'm HOPE, I'm a great example of needing equity, equality and inclusion as a family owned bootstrapping cottage business.

It is past time to correct the foundational racist laws that govern our everyday lives.

I fully support bills to address social equity, home grow, decriminalization and cottage businesses.

<https://www.weresurviving.com/post/cannabis-freedom-day-520>

Harry Anslinger's quotes:

“ . . the primary reason to outlaw marijuana is its effect on the degenerate races “ ---**(attributed to) Harry Anslinger during congressional hearings**

“Marihuana leads to pacifism and Communist brainwashing.” — **(attributed to) Harry Anslinger during congressional hearings (era 1947-48)**

“Negro entertainers with their jazz and swing music are declared an outgrowth of marihuana use which possesses white women to tap their feet.” — **statements to Congress by Anslinger, FBN - 1937-50:**

Thank you for allowing my submission,

LaWann Stribling, a Wife, Mom, Entrepreneur, Advocate & Lobbyist

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Ref: [Anslinger's Quotes](#)

MCPA-MSA_ SB-88-Automatic-Expungement-Pardon_Oppos

Uploaded by: Andrea Mansfield

Position: UNF



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2023

RE: **SB 88 – Criminal Procedure – Automatic Expungement – Pardoned Conviction of Possession of Cannabis (Pardon for Simple Possession of Cannabis Act of 2023)**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 88. This bill would require the automatic expungement of a conviction of possession of cannabis if it has been fully and unconditionally pardoned by the Governor.

Current provisions in Md. Code, Criminal Procedure Article, §10-105 specify an expungement based on an acquittal, a nolle prosequi, or a dismissal “may not be filed within 3 years after the disposition, unless the petitioner files with the petition a general waiver and release of all the petitioner’s tort claims arising from the charge.” This three-year timeframe covers the statute of limitations for most civil claims that could be filed against law enforcement, a complainant, or a witness. Without such a waiver, a plaintiff might file a suit claiming, for example, false arrest or malicious prosecution and the defendant would not be allowed to use and disclose the records relating to the arrest or prosecution.

Under SB 88, a possession conviction meeting the specified criteria would automatically be expunged not providing for a waiver of release during a three-year waiting period under the statute of limitations. Should charges be brought against law enforcement, a complainant, or witness, there would be no way to go back to review the case to substantiate the claim or construct a defense.

Although law enforcement has broad concerns with the expansion of expungements, at the very least a holding period should be applied to those convictions where there is pending litigation or a threat of litigation during the 3 year statute of limitations. This would ensure the law enforcement officer, complainant or witness in the matter would have access to investigatory files for their defense.

MCPA and MSA OPPOSE SB 88 and request an UNFAVORABLE Committee report.

sb88.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 88
Criminal Procedure – Automatic Expungement – Pardoned
Conviction of Possession of Cannabis
DATE: January 18, 2023
(2/2)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 88. This legislation adds a section to the Criminal Procedure Article requiring that certain records relating to a conviction of possession of cannabis under § 5-601 of the Criminal Law Article be automatically expunged.

While the Judiciary appreciates the policy aim of the bill, there are logistical issues with its implementation that make its compliance virtually impossible. This bill will have a large fiscal impact on the Judiciary given that it appears to require a search of all of its records, without so much as a triggering mechanism such as a petition for expungement by a party. It is unclear how the Judiciary would be aware of such a pardon. Is the Governor's Office required to alert the Judiciary? Further, the bill does not address the problem of attempting to expunge a cannabis possession conviction when it is one of several charges in a case.

Currently, expungements based on a governor's pardon constitute a very small percentage of the number of expungements processed by the court each year. If the intent is for the Governor to grant pardons to a class of defendants who were convicted of possession of cannabis, rather than on a case-by-case basis under the traditional pardon process, the Judiciary does not have the ability to readily determine the large amount of historical possession of cannabis charges that would now require automatic expungement. Possession of cannabis data indicates that charges for these violations extend back to the founding of the District Court in 1971 and are historically high in number throughout the State during that time. If a large-scale pardon was issued for historical possession of cannabis charges, the number of cases this would impact is estimated to be in the hundreds of thousands if not millions. It is not feasible for the Judiciary to be able to comply with the 60-day requirement to search for, expunge, and send notice to the necessary parties.

The Maryland Judiciary is currently in the process of implementing a single Judiciary-wide integrated case management system that will be used by all the courts in the Judiciary. Maryland Electronic Courts (MDEC), which has been implemented in all jurisdictions except Baltimore City; however, the bulk of the expungement process still requires the clerks to do manual processing. The average time to complete expungement of an entire case in the District Court or circuit courts has been determined to be 1.5 hours. The average time to complete the more complex process of expunging a single charge from a case with multiple charges, which requires reading through all documents and docket entries, has been determined to be 3 hours for District Court and 5 hours for circuit court due to the size of case files. Time estimates could increase depending on circumstances such as the complexity of the case, the difficulty in locating files, and the number of custodians. The time to complete the expungement process is not currently available for the appellate courts. Time estimates could increase depending on circumstances such as the complexity of the case, the difficulty in locating files, and the number of custodians. Court records that need to be redacted include all official records maintained by the clerk or other personnel pertaining to any criminal action or proceeding for expungement, including indices, docket entries, charging documents, pleadings, orders, memoranda, assignment schedules, disposition sheets, transcriptions of proceedings, electronic recordings, orders, judgments, exhibits, and decrees. Some circuit courts do not have indexes of old cases. Searching for eligible charges would involve manually going through docket books and microfilm to review each case to determine if a charge exists. In cases where there are multiple charges in a case but only one charge needs to be expunged, clerks would need to read through all aspects of the court record to properly redact references to the expungable charge.

The clerk would need to review the file, page by page to remove any information pertaining to the expunged charge. Charge information is repeated throughout the case many times and the charging document outlines what the alleged events are that occurred. There may not be a clear way to obliterate all information in a charging document related to a specific charge.

In addition, there is currently no functionality to build programmatic relationships between CaseSearch and the multiple case management systems that process criminal information to remove any reference to the existence of specific charges that may exist in any of the various components within those systems as required by the proposed legislation. As explained in the prior legislative sessions, the Judiciary anticipates that the implementation of CaseSearch Version 2 will provide the needed functionality to enable the removal of case information at a more granular level such as individual charges and will parallel the final rollout of MDEC. The CaseSearch rebuild is estimated to cost at a minimum \$1.14 million.

Additional staff and possibly additional courtrooms would be needed to accommodate the increase in judicial workload. It is currently not possible to gather the required data to make a complete estimate of clerical need due to this legislation. However, it could be said that at least 1 new clerk would be needed in each small-medium district and 2

additional clerks would be needed in the larger districts in the District Court. This would result in a total of 17 additional clerks needed in the District Court. As a unified court, the District Court is able to share some resources throughout districts that is not possible at the circuit court level. The anticipated need for additional clerks in the circuit courts is approximately 39. The estimated personnel and operating costs associated with adding 56 new positions would be approximately \$4,570,989.00 in the first full fiscal year (see fiscal note for additional details). This estimate is potentially grossly underestimating the actual need for new positions, however without time to gather any relevant data the Judiciary is unable to make a more specific prediction. There is also the concern of physical space that can both accommodate these new staffing needs as well as store files from Archives in order to comply with the 3-year requirement to store in a secured area prior to obliteration.

Other expenditures include the printing and restocking of new carbonized forms and brochures, website revisions, postage for mailing petitions and orders to State's Attorneys, law enforcement agencies, defendants and their attorneys, storage for expunged records, and copying. Revisions to several court help brochures and videos produced by the Judiciary will also require revisions.

If passed, the exact impact that this legislation would have on caseload is difficult to project because we are uncertain of the number of individuals who will request pardons from the Governor for cannabis possession charges, and therefore would be eligible for an automatic expungement under this legislation. If the pardon process is expediated and the court is required to expunge a large number of possession of cannabis cases, this legislation will have a significant fiscal and operational impact on the Judiciary.

Finally, the legislation does not require that the information about the Governor's pardon that is transmitted to the court or clerks' office include any information such as the court's case number. Without pertinent information being assigned to a pardon, complying with the automatic expungement is an unrealistic outcome and it is unclear what the triggering mechanism would be for the court to know of the eligible conviction.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor