

Senator Jeff Waldstreicher Testimony - SB 173 - Au

Uploaded by: Jeff Waldstreicher

Position: FAV

SENATOR JEFF WALDSTREICHER
Legislative District 18
Montgomery County

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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 173 – Automatic Expungement – Clarification

February 7, 2023

Chairman Smith and Members of the Judicial Proceedings Committee:

Recently, this committee has put a great deal of effort into offering Marylanders second chances and expungement opportunities, particularly for those with non-convictions on their records. Two years ago, the General Assembly passed revolutionary legislation allowing for the automatic expungement of criminal charges and civil offenses that resulted in non-convictions. That bill – which was sponsored by Senator Patterson and our committee’s very own Senator Sydnor – passed unanimously and in a bipartisan manner.

Senate Bill 173 offers a technical, non-substantive fix to that statute. As you may know, the Maryland Code – contained in the books lining the shelves of our committee – is not published by the State. Rather, these books are published by third-party publishers. As they compile new laws, publishers add their own headings to the statutes. Those headings are not substantive law, but they do give people researching the law a hint as to our legislative intent. Judges see them as well when they are ruling on the law.

Soon after the underlying legislation was passed, it was brought to my attention that third-party publishers were misinterpreting the law and that the best method to resolve this error is through a technical clarification. That is what Senate Bill 173 does.

This bill is a simple rewording of the 2021 legislation to make clear what our intent is, so that third-party publishers appropriately categorize the law. I respectfully request a favorable report on Senate Bill 173.

Very truly yours,

A handwritten signature in black ink that reads "Jeff Waldstreicher". The signature is written in a cursive style with a large initial "J" and "W".

Senator Jeff Waldstreicher

SB 173 support Expungement .pdf

Uploaded by: John Giannetti

Position: FAV

Maryland Criminal Defense Attorneys' Association



MD Senate -Judicial Proceedings Committee

February 7, 2023 1:00pm

Hearing on SB 173

Automatic Expungement - Clarification

MCDAA POSITION: SUPPORT

Brief bill explanation: Pursuant to 2021 Laws, Chapter 680, beginning October 1, 2021, any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of a crime or a civil offense under § 5-601 (c)(2)(ii) of the Criminal Law Article, including a must-appear violation of the Transportation Article, must be expunged three years after a disposition of the charge under certain conditions. The bill clarifies that these provisions apply to a civil offense under § 5-601(c)(2)(ii) of the Criminal Law Article or a crime other than a violation of the Transportation Article for which the defendant is not required to appear

MCDAA Position: This is common-sense legislation that corrects and oversight in the drafting of the original legislation, and MCDAA believes this enacts the intention of the legislature to have these charges expunged automatically after three years.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com