
March 9, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Information – Senate Bill 505 – Criminal Procedure - Expungement - Convictions

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 505 but offers the following information for the Committee's consideration.

Senate Bill 505 makes alterations to an individual's ability to pursue expungement of certain misdemeanor and felony records. Among those offenses in the proposed legislation is a violation of § 21-902 of the Transportation Article, which refers to driving under the influence of alcohol.

The MDOT Motor Vehicle Administration (MVA) maintains driving records that include notations of convictions for certain offenses. The maintenance and expungement of these driving records are controlled by the Transportation Article and by the Public Information Act.

Given current law, MDOT does interpret Senate Bill 505 as applying to records maintained by MVA; however, should that be the intent, this could potentially establish a conflict in its lack of clarity on scope of records. The MVA must maintain appropriate record keeping for drunk driving offenses as a component of its interstate driver's compact and for federal purposes relating to commercial driver's licenses.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating Senate Bill 505.

Respectfully submitted,

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