

In Support of SB 505

In November of 2020, my son was charged with a DUI by the Maryland State Transportation Police. He is a career Firefighter/EMT. He is a graduate of Towson University with an otherwise good driving record. He was not convicted but instead received a Probation Before Judgement from the Anne Arundel County court system and his charge was reduced to DWI. While he was waiting for his court case, his job and career path drastically changed. He was immediately transferred from his assigned fire station to a dayshift only basic EMT unit. In addition, he was required to appear before the chief of the fire department where he was suspended without pay for four work shifts (96hrs). As an EMT certified by the state, my son also had to report to MIEMMS and was put on probation with them for one year. This meant that he was still able to work as a firefighter/EMT, but he was subject to random drug/alcohol testing each month. He was returned to his original unit, but, during random shifts, he and his whole unit would drive to whichever testing center was assigned for that day. The unit would wait for him during his testing. He is currently completing paramedic school. As he applies to sit for the national registry exam, he continues to be required to provide court documents explaining the incident and how his eligibility to serve remains intact. I tell you this to describe the impact his offense and subsequent punishment has had on my son and his career. He has never taken this lightly. He sees the effects of drunk driving nearly every shift that he works, and he is embarrassed and in disbelief of his own poor judgement.

As I observed my son's interactions with the judicial system, I became aware that in Maryland there is no opportunity to apply for expungement of this record. I believe that in our state, such a blanket policy encompassing all the nuances of DUI and DWI charges is unfairly weighted against citizens who have received these charges as a first-time offense, especially

where there is no personal injury or property damage. This includes those, like my son, who were given a PBJ from the courts. This means that Maryland citizens who otherwise had good driving records and who had never been in trouble in their lives, like my son, are forced to have this cloud over their heads for the rest of their lives. Surely this will cause major problems and hurdles for Maryland citizens every time they apply for a job or promotion.

For any Marylander to have this hanging over their head simply because they live in Maryland is unwarranted. This could negatively affect their career paths and their future. Their record will always be tarnished and the lapse in judgement they made years ago will always be an issue.

I would like to propose a stepped level of punishment for the court to have available for this type of incident. It includes opportunities for application for expungement. There is room for judicial input as well.

My suggestions are the following:

- First-time offense with a DWI, where there is no injury or property damage and where PBJ is given, there would be expungement after a 5-year period
- First-time offense with a DUI, where there is no injury or property damage and where PBJ is given, there would be expungement after a 5-8 year period which would be determined by the court
- Second time offenses during the period prior to expungement would result in a permanent record without opportunity for expungement

- At the time of a first offense, if there is personal injury or property damage, the court may decide whether future expungement would be available for the offender

The 5- or 5-8-year waiting period is to help ensure the individual can be trusted NOT to do this again. Five to eight years is a long time.

My son's experience was the spark that got me going about fighting the state policy against expungement for these offenses. I would like to see common sense brought into the picture. For my son and the citizens of Maryland, please change the law allowing them to get on with their lives in a responsible way. For this reason, I am urging you to vote Favorably for SB 505.

Thank you for your time and attention to my request.

Art Klunk
8421 Thornton Road
Lutherville, MD 21093
443 841-9124
ajzo8421@verizon.net