

Bill Number: SB 505
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
IN OPPOSITION TO SENATE BILL 505
CRIMINAL PROCEDURE- EXPUNGEMENT- CONVICTIONS

The Maryland States Attorneys Association is opposed to Senate Bill 505 Criminal Procedure-Expungement-Convictions as it goes well beyond the currently existing laws which permit expungement of some convictions.

Criminal Law Article § 10-110 was enacted as a part of the Justice Reinvestment Act in 2016 to permit expungement of guilty findings for a long list of crimes set forth in the statute. This was accomplished after a long, hard-working process by the Legislature in going through every crime for consideration to permit expungement. The Legislature understandably concluded that the availability of expungement should not extend to sex offenses and crimes of violence, for example.

This Bill would extend the availability of expungement to DUI's, First Degree Assaults, Armed Robbery and Carjacking. This is well beyond that which is reasonable. It is quite common that drunk drivers are not always caught and repeat drunk drivers are often caught with lengthy time periods between their offenses. This bill may prevent the public and a judge from knowing about the fact that the person has done this before.

It is even more distressing that, with this bill, a person can wipe clean from their record the fact that they have shot someone, pistol whipped another to rob them, or violently ripped a person from their car in order to take the car. Individuals convicted of such actions should be held to answer for their actions. Further, the public has a right to know that an individual has committed such an offense.

I request an unfavorable report.