

NICOLE A. WILLIAMS, ESQ.
Legislative District 22
Prince George's County

DEPUTY MAJORITY WHIP

Judiciary Committee

Chair, Public Safety Subcommittee

Vice Chair, Prince George's
County House Delegation



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 23, 2023

The Honorable Delegate Luke Clippinger

Chairman of the House Judiciary

Committee 6 Bladen Street, Room 101

Annapolis, Maryland 21401

House Bill 664

Good afternoon, Chair Clippinger, Vice Chair Moon, and the members of the House Judiciary Committee. I am Delegate Nicole Williams of District 22, and I will be testifying in favor of House Bill 664, also known as Criminal Procedure - Expungement of Records - Good Cause. This bill grants district and circuit courts judicial discretion in determining the expungement of convictions.

Colleagues, you all know that a criminal record for returning citizens leads to barriers to housing, employment, financial aid, public assistance, occupational licenses, and more. Many of you also know that since I have been on this committee, we have passed expungement reforms regarding automatically expunging non-convictions and removing certain charges from case search, all with the extent purpose of ensuring that after individuals have served their time, *we* are not the primary cause of their inability to reintegrate back into society. This bill follows that same line of thinking, addressing roadblocks to proper reentry by allowing a court to examine a conviction and see if the charge should remain ineligible for expungement. It's something of a "second look" but for expungements.

Here's how the process would work. Similar to CP 10-105. An individual would request a petition for expungement on a showing of "good cause." The judge or court official would then hold a hearing. At the hearing, a judge would examine the facts of the case, an individual's rationale for desiring expungement, and if a "good cause" is warranted in that case. The process, in scope, would take around six-seven months to complete on average if the court granted a petition to expunge for a good cause, similar to the expungement of a non-conviction based on CP 10-105.

We've actually crafted amendments to the bill to ensure that it is reasonable for the courts and performs its intended objective. You should note that on page 5, under Subsection (F), we've added the following:

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- A COURT MAY GRANT A PETITION FOR EXPUNGEMENT UNDER THIS SECTION AT ANY TIME ON A SHOWING OF GOOD CAUSE **AFTER THE COMPLETION OF THE SENTENCE, PAROLE, PROBATION, AND ANY OTHER FORM OF MANDATORY TREATMENT ASSOCIATED WITH THE CHARGE.**
 - i. **AN INDIVIDUAL MAY PETITION FOR AN EXPUNGEMENT ON THE BASIS OF GOOD CAUSE:**
 - **FOR A SPECIFIC CASE INVOLVING A MISDEMEANOR CHARGE, ONCE EVERY THREE YEARS.**
 - **FOR A SPECIFIC CASE INVOLVING A FELONY CHARGE, ONCE EVERY FIVE YEARS.**
 - ii. **A PETITION FOR EXPUNGEMENT OF GOOD CAUSE, IF DENIED BY THE COURT OR JUDICIAL OFFICIAL, CANNOT BE APPEALED.**

I believe these alterations to the legislation will prevent frivolous use of the "Good Cause" Expungement Statute and manage volume of cases heard in the Judiciary.

I should also mention that this bill does not make any felony conviction *eligible* for expungement. However, it DOES allow an individual to make a compelling case to the court as to *why* their specific charge should qualify for a "good cause" expungement *and then* leaves the decision to grant the petition for expungement to the courts themselves. It DOES NOT force the courts to grant a petition based on one hearing. As with any expungement process, the state's attorney's office, along with any victims from the conviction, will receive a copy of the petition for expungement and have the power to veto (or object to) the petition. This ensures a necessary check and balance for "Good Cause."

This bill acknowledges that we *trust* the courts to levy charges against individuals that will drastically alter their lives for decades to come. If we trust the court's discretion with life-changing convictions, it stands to reason that we can trust it when granting expungements. It is for these reasons that I urge a favorable report.

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Sincerely,

Nicole A. Williams, Esq.

Delegate Nicole A. Williams, Esq.