

Maryland Criminal Defense Attorneys' Association



Md House of Delegates – Judiciary Committee

February 23, 2023

Hearing on HB 664

Expungement of Records – Good Cause

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill authorizes a court to grant a petition for expungement filed under § 10-110 of the Criminal Procedure Article at any time on a showing of good cause. Section 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements. The waiting time of either 5 years or 15 years could be shortened by the judge's exercise of discretion after a request to expunge a criminal record early.

MCDAA's position: MCDAA supports, generally, legislation that allows judges to exercise judicial discretion in responding to requests that could potentially benefit criminal defendants. This legislation allows a judge to use judicial discretion in granting an early expungement for the crimes listed in Section 10-110 of the Criminal Procedure Article. These crimes require either a 5 year waiting period or a 15 year waiting period. MCDAA believes that there may be good reasons to grant a defendant's request to expunge a record early, including licensing restrictions and or employment or promotion qualifications.

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