



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**BILL: HOUSE BILL 854**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill defines the term “Expungement” to mean the extraction and isolation of **ALL** records on file with any court, detention or correctional facility, and law enforcement or criminal justice agency concerning a person’s detection, apprehension, detention, trial, or disposition of an offense within the criminal justice system. The bill adds detention and correctional facilities to the definition of law enforcement unit. The bill further provides that police records, including detention and correctional facilities, or court records may not be used for any purpose and shall be treated as if the record never existed.

#### **COMMENTS:**

The Department of Public Safety and Correctional Services (Department) operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).

- DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
- DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
- DPP supervises parolees, probationers and those on mandatory release from correctional facilities.
- The original definition of expungement under Criminal Procedure Article § 10-101 means to remove information from public inspection, and does not include detention or correctional facility records. Pursuant to Correctional Services Article § 3-602, a case record of an incarcerated individual may not be disclosed.
- The proposed definition of expungement under the bill means the extraction **AND** isolation of all court and police records on file, including detention and correctional facility records. Including extraction and isolation in the same definition is contradictory and is not possible, as isolation means “the separation of”, and obliteration means “to utterly destroy”

- Moreover, HB 854 also provides that any expunged record may not be used for any purpose and shall be treated as if the record never existed which is extremely problematic.
- **The passage of HB 854 would have a detrimental impact on the Department. It would make it absolutely impossible for the Department to defend itself against any action brought by an individual who is or has been detained or incarcerated.**

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully urges the Committee to consider this information as it deliberates on House Bill 854.