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POSITION ON PROPOSED LEGISLATION

BILL: SB 664

Criminal Procedure - Expungement of Records - Good Cause

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 21, 2023

The Office of the Public Defender supports HB 664. The Office has counseled and advised thousands of members of communities throughout Maryland over the years through our individual representation to our participation in community events. We have filed, argued, advocated, and reformed the expungement law through court proceedings.

The Maryland General Assembly has taken huge steps forward in providing assistance to Maryland citizens through expanding the eligibility of dispositions and the automatic expungement of favorable dispositions. Thank you- for you may not realize how many lives you have impacted for the better.

HB 664 is a welcome and needed addition to the language of the expungement statute. Three recent appellate decisions have turned the filing of an expungement petition on its head. In particular, *In Re Expungement Petition of Abhishek I.*, the appellate court indicated that anyone that has any type of a violation of probation would not be eligible for expungement. This decision is counter intuitive to the whole expungement statute. To preclude expungements of convictions under Criminal Procedure 10-110 because of a mere technical violation, for example, makes no sense. The whole purpose of the expungement language in 10-110 is to allow the Judge to look at the individual at that moment in time - not - 5-10-20 years ago. The expungement statute should not be so draconian.

This Session, HB 664 will close the additional loophole that was recently created by the appellate courts.

It will allow a Judge to look at the individual at the time of the filing under a good cause exception.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 664.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

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