

CANDACE McLAREN LANHAM  
Chief Deputy Attorney General



**ANTHONY G. BROWN**  
*Attorney General*

CHRISTIAN E. BARRERA  
Chief Operating Officer

CAROLYN A. QUATTROCKI  
Deputy Attorney General

ZENITA WICKHAM HURLEY  
Chief, Equity, Policy, and Engagement

LEONARD HOWIE  
Deputy Attorney General

PETER V. BERNS  
General Counsel

STATE OF MARYLAND  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
(410) 576-7036

WRITER'S DIRECT DIAL NO  
(410) 576-6592

March 5, 2024

TO: The Honorable Luke Clippinger  
Chair, Judiciary Committee

FROM: Tiffany Clark  
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: House Bill 73 - Criminal Procedure - Expungement - Completion of  
Sentence - **Support**

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The Office of the Attorney General (OAG) urges the Judiciary Committee to give House Bill 73 – Criminal Procedure - Expungement - Completion of Sentence, sponsored by Vice Chair Sandy Bartlett, a favorable report. House Bill 73 corrects a current inequity in the law that bars many from applying for expungement and will allow individuals who have completed their sentences to apply for expungement.

Under current law, an individual must have “satisfie[d] the sentence or sentences imposed for all convictions for which expungement is requested”. *In Re Expungement Petition of Abhishek I*, 255 Md. App. 464 (2022), the Appellate Court interpreted the “satisfies” requirement for expungement as having not violated any aspect of probation. Removing eligibility for expungement based on any violation of probation is a particularly harsh standard. In addition to applying to even the most trivial and technical of violations, this interpretation unfairly punishes those who violate probation and subsequently complete the remainder of an entire sentence. For example, Person 1 is sentenced to a flat five years for an expungable offense, and serves the five years. Person 2 is sentenced to five years with all suspended but time served, violates probation, and then serves the entirety of the original five years. Under current law, Person 2 would not be

eligible for expungement despite ultimately having served the same five-year sentence for the same offense as Person 1.

House Bill 73 removes the word “satisfies” from the relevant statute and defines eligibility for expungement simply based on whether the individual has completed serving the sentence including any probationary term. Under the current interpretation, individuals who complete the same time sentences for the same crimes are unfairly denied expungement. Furthermore, individuals who have committed even the most minor and or technical of parole violations such as failing to pay supervision fees would be denied their right to expungement.

Without an opportunity to expunge a charge when the charge become eligible for expungement, additional barriers are created for individuals attempted to successfully reenter society and their communities, such as: obtaining employment, housing, and other social services that have been shown to reduce recidivism rates. Studies show that obtaining employment after an individual is released from a correctional facility is a key factor in reducing recidivism.

For the foregoing reasons, the Office of the Attorney General urges a favorable vote on House Bill 73.

cc: Committee Members