



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2024

RE: **HB 658 Criminal Procedure - Automated Expungement, Waiting Periods,
and Adverse Actions (Clean Slate Act of 2024)**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 658**. This bill makes significant changes to the State's expungement laws by creating an automatic expungement process for charges that are "clean slate eligible".

Under HB 658 certain charges are deemed eligible for automatic expungement. Individuals who are the subject of the charges would not have to petition for the expungement. Rather, the Department would review the criminal history record information contained in the central repository monthly for clean slate eligible charges. While a "prosecuting agency" may object to the expungement, the prosecuting agency is only allowed to object once, even if the charges continue to be ineligible for expungement.

The automatic expungement process would apply to individuals convicted of a wide variety of crimes. Three years after disposition, charges under § 10-105(A), (C), and (E) and § 10-107 of the subtitle would be eligible for expungement. Misdemeanor and felony charges under § 10-110(A), (C), and (D) and § 10-107, except those that are domestically related, would be eligible for expungement after seven and 20 years respectively.

The bill also changes the terms for completion of a sentence. Individuals would no longer have to complete the sentence to "satisfaction" and completion of probation would no longer be required for charges that are clean slate eligible. The removal of "satisfactory" completion of a sentence and completion of probation are meaningful. The word "satisfactory" is important. Requiring that a sentence be "satisfactorily" completed in order to have a conviction expunged provides an incentive for individuals to comply with probation, parole, and conditions of the sentence. Removing completion of parole as a requirement further erodes consequences.

Furthermore, it also prohibits refusal to disclose criminal charges that have been expunged from being the sole reason for the state or an instrumentality for the state to deny an application for a license, permit, registration, or government service. State law enforcement agencies would be prohibited from denying firearm licenses and permits to applicants who refuse to disclose having expunged criminal charges. The prohibition would also apply to professional licenses for security guards, private detectives, and special police among others. These are all permits and licenses in which a person's full criminal history needs to be considered.

This bill is well-intended, but the sweeping changes may lead to unintended consequences. For these reasons, MCPA and MSA **OPPOSE HB 658** and urge an **UNFAVORABLE** Committee report.