



MARYLAND STATE'S ATTORNEYS' ASSOCIATION

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Bill Number: HB 73

Maryland State's Attorneys' Association

Opposed

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 73
CRIMINAL PROCEDURE-EXPUNGEMENT-COMPLETION OF
SENTENCE

The Maryland State's Attorneys' Association is opposed to House Bill 73 - Criminal Procedure-Expungement-Completion of Sentence and asks for an unfavorable report.

Over the years the General Assembly has crafted legislation to permit an individual who has committed a crime or crimes to demonstrate to society that they are deserving of a second chance in certain circumstances. For decades that has included the ability to expunge a Probation Before Judgment for all offense except DUI's as long as they show in just a three year period that they can obey the law and successfully complete their sentence and probation. Through the Justice Reinvestment Act in 2016, the General Assembly extended this opportunity to guilty findings of most misdemeanors and some felonies. Understandably, a time frame was established for the individual to again demonstrate a respect for the law and the rules and restrictions placed upon them for their crime. To accomplish this, the statutes require that the time frame be established starting at the point the individual has "satisfactorily" completed their sentence.

This Bill would allow a person to expunge a PBJ or conviction even if they showed no regard for the conditions of probation or restriction placed upon them. This is contrary to the purpose of granting a second chance to a person. If this legislation were to pass a person could repeatedly violate their parole or probation and still get the conviction expunged after the required time period.

In addition, the individual could show no regard for the Court or the victim of their crime and then harm the victim even further with the expungement. For example, a person could be convicted of theft and placed on probation. The Judge may order the defendant to pay restitution to the victim, court costs and supervision fees to Parole and Probation. That individual, despite the ability to do so, could then just choose to pay nothing. With the restrictions now placed on Judges by the Justice Reinvestment Act, the most a Judge could do is put the person in jail for 15 days. For that reason, there are many Judges who therefore don't bother with violations of

probation. They may choose to close out the case unsatisfactorily and enter a judgment of restitution and possibly refer the judgment and costs to Central Collection. Now, after the set time period, the defendant can file for expungement and wipe the record clean of the PBJ or conviction along with any obligation to the victim. This is not a just result.

A person granted Probation Before Judgement or convicted of one of the many offenses listed in Criminal Procedure §10-110 should be asked to earn an expungement by showing a respect for the Judge and victim. This legislation will prevent that.

We ask for an unfavorable report.