

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 658  
Criminal Procedure – Automated Expungement, Waiting Periods,  
and Adverse Actions (Clean Slate Act of 2024)  
**DATE:** January 31, 2024  
(3/5)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 658. This legislation amends provisions in Title 10, Subtitle 1 of Criminal Procedure Article by establishing procedures for and requirements relating to the “automated expungement” of certain “clean slate eligible charges”; requiring the Department of Public Safety and Correctional Services (the “Department”) to conduct certain publicity campaigns, disseminate certain information, and provide a certain digital service; and generally relating to expungement.

While the legislation does not raise specific technology concerns for the judiciary, the Judiciary is concerned that the charges identified by the Department as Clean Slate Eligible will not match the records maintained by the Judiciary. The records maintained by the Department are person-centric records, whereas the records maintained by the Judiciary are case-centric.

Further, the bill requires the Department to notify the Administrative Office of the Courts instead of the jurisdiction of the criminal charge and requires the Chief Justice of the Supreme Court of Maryland to transmit a signed expungement order to all criminal justice units that have relevant criminal history records. This places responsibility on the

Judiciary to issue an expungement order without a review by the court when no objection is filed.

cc. Hon. David Moon  
Judicial Council  
Legislative Committee  
Kelley O'Connor