



TESTIMONY IN SUPPORT OF SENATE BILL 432 / HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. We advocate for reforming policies and practices that adversely affect successful reintegration into society. OFJ supports Senate Bill 432 and House Bill 499, which would reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement and expanding the charges eligible for expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.



Senate Bill 432/ House Bill 499 aims to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations.

The bill also removes all pardoned marijuana charges and 3-year stets from Case Search and adds seven (7) common misdemeanors to the expungement eligibility list, which will be huge for Marylanders:

1. [Transportation Article § 16-101](#) - Driving without a License
2. [Criminal Law § 8–106](#) Cashing a Bad Check
3. [Criminal Law §8–610](#) Counterfeiting Prescription
4. [Criminal Law Article §8-204](#) Stolen Credit Card
5. [Criminal Law Article §9-408](#) Resisting Arrest
6. [Criminal Law Article §9-501\(a\)](#) & [§9–502\(a\)](#) - False Statement to an Officer

These charges have been holding our members back from access to employment, housing, education, licensing, and financial assistance for decades *after* they have completed their sentence *and* paid back their debt to society. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly. We sincerely thank the Moore Administration for raising this challenge for its constituents, and we urge a favorable report.