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February 5, 2025

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 398 – Criminal Procedure - Automated Expungement–
Support in Concept

The Office of the Attorney General (OAG) supports the intent of **Senate Bill 398**, introduced by Senator Mike McKay, which aims to improve access to sealing criminal records. This legislation clarifies that expungement simply means hiding records from public view and does not mean physically obliterating records or redacting physical or electronic documents, media, or recordings. Second, the bill changes the expungement regime from a situation where the defendant files for expungement to a situation where the court automatically expunges offenses. These automatic expungements would happen: 1) after 3 years for probation for, inter alia, probations before judgment and public nuisance crimes or 2) after 7 years for a misdemeanor that is neither second degree assault nor marked as domestically related.

Criminal records can create significant barriers to employment, housing, education, public assistance, family reunification, and the opportunity to build good credit. For many individuals with a justice-involved background, having a record can result in lifelong restrictions, preventing them from accessing resources necessary for achieving stable futures for themselves and their families.

Record expungement is an effective solution for removing barriers to opportunities for justice-involved individuals and their families. While there are current petition-based record clearance measures in Maryland law, these options often leave many eligible individuals behind. Many people are unaware that they qualify for record-clearing, while others find it challenging to navigate the expensive and complicated process of filing a record-clearing petition in court. This often requires hiring a lawyer and taking time off work to appear in court, leading to thousands of

dollars in legal bills and court costs. Additionally, the courts face the burden of processing each petition individually, which strains valuable judicial resources.

Senate Bill 398 will implement a system that automatically seals eligible records with technology and will ensure that everyone who qualifies for record-clearing gets the fresh start they've earned—regardless of whether they can afford a lawyer and expensive court fees and without navigating a complex court process.

The OAG supports the intent of this legislation and urges the Committee to issue a favorable report on **Senate Bill 398**.

cc: Judicial Proceedings Committee Members