



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 5, 2025

RE: **SB 398 Criminal Procedure – Automated Expungement**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 398. This bill requires the Department of Public Safety and Correctional Services and the Judiciary to automatically expunge all cases in which all charges are eligible for expungement under Section 10-105 of this subtitle, if at least three (3) years have passed since the disposition of this case. This bill also requires expungement of all cases that fall under Section 10-110 of this subtitle, if the charge is a misdemeanor other than a domestically related crime or second-degree assault and if seven (7) years have passed since the disposition of the case.

MCPA and MSA, while understanding the desire to provide a second chance for persons in certain circumstances, generally oppose legislation that increases the categories or timeframes for expungement because it could interfere with the necessary access to prior criminal information. In some instances, this could be a safety factor for law enforcement personnel in carrying out their official duties. Furthermore, individuals who are the subject of the charges would not have to petition for the expungement. Rather, the Department and the Judiciary would review the criminal history record information on file monthly for automated expungement eligible charges. This places a burden on the Department and the Judiciary, as opposed to the individual, to seek out eligible cases. Lastly, while a "prosecuting agency" may feel compelled to object to an eligible expungement, the prosecuting agency will not have an opportunity as the expungement will automatically be granted.

Each year, several pieces of legislation are introduced that seek to adjust the considerations and time frames under which expungement, pardons, or shielding can be sought. MCPA and MSA believe such changes require participation and input from the judiciary, prosecutors, and law enforcement and, rather than being dealt with in a piecemeal manner, should be addressed

comprehensively in a process that involves all stakeholders and in a setting that is conducive to reasonable solutions while, at the same time, not affecting public safety.

For these reasons, MCPA and MSA **OPPOSE SB 398** and urge an **UNFAVORABLE** Committee report.