



**Senate Bill 0649
Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding
In the Judicial Proceedings Committee
Committee Hearing on February 12, 2025
Position: FAVORABLE**

Maryland Legal Aid (MLA) submits its written and oral testimony on Senate Bill 0649 in response to a request from Delegate Taylor, who is sponsoring the cross-filed House Bill 0610.

MLA testifies in support of SB 0649. SB 0649 would allow No Finding or Case Terminated without Finding dispositions to be expunged. These dispositions function as convictions, but because they are not typically used in Maryland, they were never incorporated into the expungement statute. This oversight has a disparate impact on Prince George's County residents.

MLA is a private, nonprofit law firm that provides free legal services to low-income Maryland residents in civil matters. Last year, we advised or represented close to 2,000 clients on expungement. Over the past several years, the Maryland General Assembly has increased expungement opportunities for Marylanders. Unfortunately, many Prince George's County residents face a strange roadblock to expungement.

For decades, Prince George's County defendants were asked to plead *nolo contendere* or no contest in criminal proceedings. In a no contest plea, a defendant does not admit guilt but agrees to accept a conviction and any associated sentence. Usually, in Maryland, such a plea would result in a guilty disposition, but in some cases, particularly in Prince George's County, a No Finding disposition was entered instead. Because No Finding is not part of Maryland's standard legal lexicon, it was not contemplated during the drafting of Criminal Procedure Article 10, the statute governing expungement.

No Finding dispositions were used in Prince George's County from the 1980s through the mid-2010s, when opportunities for expungement were limited. At that time, it would have been impossible to contemplate any inequitable effect resulting from the use of these dispositions. Indeed, the No Finding disposition was likely used so defendants could avoid association with a guilty disposition in the public record. However, when expungement law expanded to include guilty dispositions in 2017, any benefit from a special No Finding designation was overshadowed. Expungement obliterates court and arrest records, opening employment and housing opportunities, whereas the No Finding designation still appears in fingerprint searches and must be disclosed to potential employers. Prince George's County residents, whose offenses are otherwise expungement eligible, have been left behind and denied the redemptive power of expungement simply because of a misnomer.

MLA urges passage of SB 0649, to correct a fundamentally unfair limitation in the expungement statute. If you would like additional information on this bill or the underlying issues it addresses, please contact Meaghan McDermott, Maryland Legal Aid's Advocacy Director for Community Lawyering and Development, at mmcdermott@mdlab.org or 410-951-7635.