



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: Darren Popkin, Executive Director, MCPA-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 432 CRIMINAL RECORDS - EXPUNGEMENT AND MARYLAND
JUDICIARY CASE SEARCH (EXPUNGEMENT REFORM ACT OF 2025)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 432**. This bill allows expungement requests to be made at the completion of the sentence, defined as when the sentence has expired, excluding any period of parole, probation, or mandatory supervision. Additionally, this bill allows an expungement to be ordered if the person has paid any monetary restitution ordered by the court, as opposed to the previous requirement of full payment of restitution.

This bill would effectively overrule the existing judicial opinion from 2022 heard before the Appellate Court of Maryland in the case *in re Abhishek I.* 282 A.3d 318, 255 Md. App. 464. As written, this bill would replace the requirement for the “satisfactory” completion of a sentence with simply the completion of a sentence. In this case, Abhishek filed a petition to get his theft conviction from several years prior expunged. However, the court denied this petition because during the time that Abhishek was on probation, he went on to commit another crime. Therefore, he had not satisfied his sentence because while on probation, he committed a new crime. The court found that the denial of this expungement was proper because “the appellant did not fulfill, comply with, or meet the terms of his probation, and pursuant to the plain meaning of CP § 10-110(c)(1), he did not ‘satisfy’ his sentence of probation.”

SB 432 seeks to change the terms for completion of a sentence. Individuals would no longer have to complete the sentence to “satisfaction” and completion of probation would no longer be

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required for charges to be eligible for expungement. The removal of “satisfactory” completion of a sentence and completion of probation are meaningful. The word “satisfactory” is important. Requiring that a sentence be “satisfactorily” completed in order to have a conviction expunged provides an incentive for individuals to comply with probation, parole, and conditions of the sentence. Removing completion of parole as a requirement further erodes consequences.

Considering the above, this bill’s allowance for expungements to be filed or granted prior to the completion of parole, probation, or mandatory supervision would have negative, and likely unintended, impacts on our communities. For these reasons, MCPA and MSA OPPOSE SB 432 and urge an UNFAVORABLE report.