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February 5, 2025

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

FROM: Rhea L. Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 432- Criminal Records – Expungement and Maryland Judiciary
Case Search (Expungement Reform Act of 2025) - **Support**

The Office of the Attorney General (OAG) supports Senate Bill 432 and requests a favorable vote.

SB 432 alters provisions of law relating to waiting periods for the filing of petitions for expungement to authorize the filing of a petition to the amount of time after the completion of the sentence; and adds to the list of misdemeanor convictions that a person may expunge under circumstances; requires a court to determine that a person seeking an expungement has paid restitution ordered by the court or cannot pay the restitution; and prohibits the Maryland Judiciary Case Search from in any way referring to the existence of certain records.

SB 432 is in response to the *Abhishek* ruling by the Court of Special Appeals (now the Supreme Court) in a reported opinion. In *Abhishek*, the Court stated that the “appellant violated the terms of his probation, and the court closed his probation unsatisfactorily, he did not ‘satisfy’ his sentence of probation. The circuit court properly denied his petition for expungement.”¹

SB 432 clarifies what is considered as “satisfaction of a sentence.” SB 432 allows expungement to be accessible at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision.” 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

¹ *In re Expungement Petition of Abhishek I*, No. 904, September Term, 2021.

charge is eligible. The State's Attorney's Office and the victim retain the right to object to the expungement, leaving the courts to decide whether the expungement is in the interest of justice.

Additionally, in *Abhishek*, the appellant violated his probation for the possession of cannabis which is now legal. Governor Moore provided pardons for thousands of these same people in 2024. Due to this violation, Mr. Abhishek is permanently ineligible for expungement, though he waited the required 10-year waiting period and served the length of his incarceration. If SB 432 passes, the thousands of individuals now eligible for expungement will not suffer the fate that Mr. Abhishek did.

For all of the reasons stated above, the Office of the Attorney General requests a **Favorable** vote on Senate Bill 432.

cc: The Governor's Legislative Office
Judicial Proceedings Committee Members