

SB 649 - Testimony.pdf

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Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY

SB 649: Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding

Good afternoon, Chairman Smith, Vice Chair and members of the Senate Judicial Proceedings Committee. Senate Bill 649 is a technical fix to the expungement statute that will allow charges designated as a “**No Finding**” to be eligible for expungement.

Under current law, expungement is available for acquittals, dismissals, and a limited selection of misdemeanors and felonies. In Prince George’s County, many residents have a unique disposition called “No Finding,” which is not enshrined in statute and makes them ineligible for expungement. Before the Justice Reinvestment Act of 2016, certain judges in Prince George’s County used no findings to prevent individuals from being convicted of minor crimes, as the conversations around expungement access had yet to emerge fully. Thus, we have a large contingency in Prince George’s County who have charges that would be eligible for expungement under normal circumstances but are not due to this unique disposition.

In closing, Senate Bill 649 is a technical fix to the expungement statute that addresses the “No Finding” disposition. It allows it to be eligible for expungement in accordance with the intent of the judicial officials who created the designation. Therefore, I respectfully urge a FAVORABLE report for SB 649.

SB649 Favorable 2025.pdf

Uploaded by: Debi Jasen

Position: FAV

Senate Bill 649
Judicial Proceedings
Favorable

Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee;

Please give Senate Bill 649, regarding the expungement of charges with a "no finding" designation, a favorable report. I don't know if this bill would apply to me personally, but I'd like to share my situation.

Over the summer, a member of my community (who has harassed and lied about me for years) tried to get a peace order against me because she claimed that I was threatening her by insinuating that she's a white supremacist. The judge had to explain to her that my words are protected by the 1st amendment. The judge ruled that there was "no statutory basis for relief" and denied the peace order. When I went to the court services counter, I was told that the case could be expunged immediately **only** if I signed away my right to sue the person who tried to get the peace order. Otherwise, I would have to wait for three years. I'm not willing to sign away my right to sue this person who has, once again just this month, lied about me on social media by accusing me of inciting violence against Trump (absolutely absurd,) stalking her and her children in public (we attend the same Board of Education meetings,) and threatening her (which never happened.)

Due to the nature of my career path, potential employers sometimes do background checks on me. Since this peace order was outright denied due to "no statutory basis for relief," I believe that it should be expunged without me having to give up my right to sue for defamation. At the very least, it should be sealed. I think this should be the case for everyone whose cases haven't resulted in a conviction, peace order, etc. Some people use the court system to harm those who they dislike, and the victims of this shouldn't be punished for that.

If my situation isn't covered by Senate Bill 649, then I ask that legislation be written so that cases like mine can easily be expunged. In either case, I support this bill. Thank you for your consideration.

Sincerely,
Debi Jasen
Pasadena, MD

CLS Support for SB0649 - No Finding Disposition Ex

Uploaded by: Lisa Sarro

Position: FAV



Jessica A. Quincosa, Esq.
Executive Director

Kayla Williams-Campbell, Esq.
Deputy Director

Lisa Sarro, Esq.
**Director of Litigation
and Advocacy**

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SB0649

**Criminal Procedure – Expungement – No Finding and Case Terminated
Without Finding
Judicial Proceedings Committee Hearing
February 12, 2025**

Position: FAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) is a nonprofit legal services provider dedicated to ensuring equitable access to justice and due process of law for Maryland’s most under-represented populations. We support passage of 0649, which seeks to expand Maryland’s expungement laws to allow the removal of charges that were not unequivocally disposed of by conviction. As an organization committed to providing free legal services to individuals who would otherwise struggle to access justice, we have seen firsthand how the collateral consequences of unresolved charges can create lasting barriers to employment, housing, and economic stability.

CLS attorneys and volunteers have conducted hundreds of expungements in the past 18 months as part of the State’s efforts to expand the expungement of cannabis-related offenses that were no longer crimes. We have handled more than 700 expungement matters through more than a dozen clinics since 2023 when the law changed. We have 30 volunteers who are trained in expungement law and procedure, and many of them have participated in our events. We have seen many, many positive impacts for the clients we have helped. However, we have had to give disappointing advice for many people for whom the disposition of an offense is not clearly stated.

This Bill Addresses a Barrier to Expungement of Eligible Charges

Under current law, individuals with charges that result in a no finding disposition or cases that are terminated without a finding may still find these records appearing in background checks. Even though these cases did not result in a conviction, their mere presence can prevent individuals from securing jobs, renting homes, or pursuing educational opportunities. Senate Bill 0649 recognizes this unfair burden and takes a necessary step toward ensuring that Marylanders are not penalized for cases that did not result in a definitive guilty finding.

At CLS, we frequently assist clients who face rejection from potential employers or landlords due to the existence of unresolved or unclear case dispositions on their record. Many of these individuals are hardworking, law-abiding citizens seeking a fresh start but are hindered by bureaucratic inconsistencies that allow non-convictions to remain accessible to the public. The inability to expunge these records runs counter to the fundamental principle of fairness in our justice system.

This bill aligns with Maryland's broader commitment to criminal justice reform by ensuring that individuals are not indefinitely burdened by cases that did not result in conviction. Expanding expungement eligibility to include charges with a no finding disposition or cases that were terminated without a finding will help eliminate unnecessary obstacles and promote rehabilitation, reintegration, and economic self-sufficiency.

We Respectfully Request a Favorable Report

For these reasons noted above, Community Legal Services respectfully asks the committee to **issue a favorable report on SB0649**. Please feel free to reach out to Jessica Quincosa, Executive Director, or Lisa Sarro, Director of Litigation & Advocacy, with any questions at quincosa@clspgc.org, and sarro@clspgc.org, respectively.

SB 0649- Maryland Legal Aid- FAV.pdf

Uploaded by: Meaghan McDermott

Position: FAV



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.

SB649Fav.pdf

Uploaded by: Zachary Alberts

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 649

Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding

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

FROM: Zachary Alberts, Director of Advocacy

The Center for Urban Families (CFUF), a West Baltimore workforce and family-strengthening community-based organization, advocates for legislative initiatives that strengthen urban communities by helping fathers and families achieve stability and economic success. In our 25-year history, we have served over 30,000 Marylanders, about half of whom have a criminal record.

Senate Bill 649 is a technical fix to the expungement statute that addresses the “No Finding” disposition. It allows it to be eligible for expungement in accordance with the intent of the judicial officials who created the designation. Expungements are proven to increase employment, housing, and educational attainment. They make families and communities safer and more prosperous.

Center for Urban Families, Inc. (CFUF)
2201 North Monroe Street
Baltimore, MD 21217
410 367 5691 P
410 367 4246 F
www.CFUF.org



MCPA_MSA SB 649 - Expungement - No Finding OPP.pd

Uploaded by: Samira Jackson

Position: UNF



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 12, 2025

RE: **SB 649 - Criminal Procedure - Expungement - No Finding and Case Terminated
Without Finding**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 649**. This bill authorizes the expungement of a charge under the provision that the charge was disposed of by the court with no finding or was included in a case that was designated by the court as having been terminated without finding.

MCPA and MSA oppose SB 649, as it undermines public safety and transparency by allowing the expungement of criminal charges that were not resolved with an unequivocal finding. While we recognize the importance of second chances, this bill creates a loophole that could allow individuals with serious charges, regardless of the circumstances of their dismissal, to erase their records without a thorough review. This not only weakens accountability but also hinders law enforcement's ability to make informed decisions when dealing with repeat offenders or individuals with concerning patterns of behavior.

Additionally, the proposed legislation risks diminishing public trust by limiting access to critical case history for both law enforcement and the judicial system. Records of past charges, even those not resulting in conviction, often provide valuable context in ongoing investigations and legal proceedings. Automatically allowing their removal without clear justification could result in unintended consequences, such as hindering background checks for sensitive positions or enabling individuals with repeated run-ins with the law to avoid scrutiny. We urge this committee to reconsider this broad approach and instead pursue reforms that balance fairness with the need to maintain public safety and judicial integrity. For these reasons, MCPA and MSA **OPPOSE SB 649** and urge a **UNFAVORABLE** committee report.

sb649.pdf

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 649
Criminal Procedure – Expungement – No Finding and Case
Terminated Without Finding
DATE: February 6, 2025
(2/12)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes to comment that the language on pages 3 and 4 regarding a “no finding determination” could use clarification. This language is undefined and implies that the sentence was rendered by consent. It is unclear when this would apply or occur.

cc. Hon. C. Anthony Muse
Judicial Council
Legislative Committee
Kelley O'Connor