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POSITION ON PROPOSED LEGISLATION

BILL: HB0610 Criminal Procedure - Expungement - No Finding and Case Terminated Without Fir

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/28/2025

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on House Bill 610. This bill is a technical fix to provide the same expungement available to a no finding disposition as is available to other findings of guilt for the same charge. It was uniquely used in Prince George's County from the early 1990s through 2019. At OPD we estimate that there were more than 600 of these "no finding" dispositions a year, totalling more than 15,000 cases that should be available for expungement but are currently denied.

A no finding disposition would arise when someone entered what is known as an Alford Plea – the person pleads guilty by not contesting the charges (*nolo contendere*) but also without admitting to any of the underlying facts. These dispositions can result when someone wants their case resolved with less sentencing risk and quicker resolution and the court agrees that something less than the prosecution's plea offer or trial demand is appropriate. It was specifically used when there was a circumstance that mitigated against a traditional guilty plea. The "no finding" disposition was intended to further that mitigating circumstance, and reduce the consequences of a guilty plea, similar to a probation before judgment but taking place after judgment.

This bill does not expand the types of cases available for expungement, nor does it alter the time frame for when a conviction can be expunged. Rather it allows Prince George's County residents to have the same eligibility for expungement as other Marylanders regardless of how the judge accepted their guilty plea.

A criminal record can create insurmountable barriers to employment, education, housing, occupational licensing and public assistance. The General Assembly, particularly on bills that began with this Committee, has made great strides in increasing the availability of expungement to remove these barriers for most misdemeanor convictions once the person has served their sentence and incurred no subsequent convictions for a set minimum period of time. This bill will apply those reforms to people who received a “no finding” disposition so that they too have restored access to work, housing, and other basic opportunities after the designated waiting period.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 610.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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