

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

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 318
Criminal Procedure – Expungement – Failure to Obey a Court
Order to Report to Confinement
DATE: January 15, 2025
(3/4)

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. Making certain offenses eligible for expungement falls within the policy prerogatives of the legislative branch.

Although the Judiciary has no position on the bill, we write to make the Committee aware of the bill's impact on certain judicial decisions. A person's previous escape from confinement is currently information the court would have available to consider when making determinations as to pre-trial release, deferred reporting dates to confinement, and home detention amenability. This information is also relevant when a judge is determining whether a defendant is a good candidate for Health General 8-507 placements, given the requirement that a placed individual remain at the facility during the term of treatment.

Information about a previous escape, or about a failure to report for a deferred sentence, is helpful to determine eligibility for similar consideration in the future. Depriving judges of this information may negatively impact their ability to make informed decisions.

cc. Hon. Robin Grammer
Judicial Council
Legislative Committee
Kelley O'Connor