



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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LETTER IN OPPOSITION TO SENATE BILL 525

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The Maryland Crime Victims' Resource Center (MCVRC) urges an unfavorable vote on SB 525.

Senate Bill 525 proposes to liberalize the expungement of misdemeanor and felony convictions after as little as 7 years.

There is currently a detailed expungement statute in Maryland law, Criminal Procedure Article §10-110. It lists the crimes for which expungement is available and has a sliding scale waiting period of between 3 and 15 years depending upon the type of conviction at issue. The statute also provides for notice and an opportunity to be heard by the State and the crime victim. The current bill does not provide for the crime victim or the State to get notice or an opportunity to be heard. For that reason alone, this bill, narrowing victims' rights, is unconstitutional. As the Maryland Supreme Court explained in *Syed v. Lee*, 488 Md. 537, 607-608 (2024), victims' current statutory protections such as these cannot lawfully be overridden by the General Assembly without a new constitutional amendment.

In addition, whatever the merits of liberalizing expungement of misdemeanor convictions, often past misdemeanor convictions are important because they are required for the State to know whether subsequent offenses provisions of the law are appropriate, there is much less reason to liberalize the expungement of felony convictions. Many jobs involve fiscal responsibility or contact with vulnerable populations. Since individuals today can find ways or hire others to alter private electronic databases, official government records of convictions are necessary to allow employers, law enforcement professionals, and even neighbors to learn if the individuals they are in contact with have been convicted of fraudulent, dangerous, or violent activities. Courts allow proof of felony convictions that are fifteen years old be used to impeach under Maryland Rule 5-609(b), but this bill would effectively reduce that period to as little as 7 years, and then eliminate those conviction records, including felony records. Recidivism rates during the fifteen year period after the release of felons in many categories of crime approaches fifty percent, which is why current law distinguishes between offenses when setting the rules governing expungement. Therefore, this "one size fits all" waiting period for expungement will have a deleterious effect on the administration of the criminal law, on employers in many fields of endeavor, and on the fears and protection of neighbors and the general public.

As noted above, this bill does not require either service of the petition or an opportunity to respond for the State or the crime victim. Since this is an “alteration of the conviction”, current law in Criminal Procedure Article §11-403 needs to be honored, and victims must be provided notice and given an opportunity to be heard prior to any court action on the petition. Explicit language in this regard like that which exists in current law needs to be added to any bill regarding expungement.

Furthermore, where crime victims have been injured by felons, including by those offenders whose plea bargains led to reduced charges, the bill should state that there is a strong societal presumption against granting expungement which must be overcome by the petitioner in order to comply with the victims' rights amendment to the Maryland Declaration of Rights, Article 47.

We ask you to give SB 525 an unfavorable report.

A handwritten signature in blue ink, appearing to read 'L. Corbett Wilt'.

Laura Corbett Wilt, Senior Attorney

& Victor D. Stone, Appellate Division Chief

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Joined by: Joanna Mupanduki, Deputy Director & Kurt Wolfgang, Executive Director