



HOUSE BILL 0169

CRIMINAL PROCEDURE – EXPUNGEMENT OF RECORDS – GOOD CAUSE

POSITION: UNFAVORABLE FOR HB 0169

Rich Gibson, Howard County State's Attorney

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WRITTEN TESTIMONY OF THE HOWARD COUNTY STATE'S ATTORNEY'S OFFICE IN OPPOSITION TO HOUSE BILL 0169

February 27, 2026

The Howard County State's Attorney's Office is opposed to House Bill 169 Criminal Procedure – Expungement of Records – Good Cause and urges this Committee to issue an unfavorable report.

This legislation is contrary to the purpose of the expungement statutes, and consequently, poses a danger to the public at large and severely limits the use of subsequent offender penalties. Maryland law currently allows for the expungement of many misdemeanors and felony criminal convictions. The expungement statutes are designed to prevent public access to records of arrests, charges, and dispositions when the person is deserving of these protections. However, the General Assembly was careful in deciding which convictions could be expunged and how long an individual would have to wait to file for expungement.

This current legislation gives no consideration to the type of conviction expungement is being sought for, allowing a person convicted of First-Degree Murder, Rape, and even Distribution of Child Pornography to expunge their records within seven years of the completion of their sentence. There are no exceptions within this legislation for convictions marked as Domestically Related, or even Crimes of Violence. A child care center or school system will no longer know if an applicant has a prior conviction for Distribution of Child Pornography or Sexual Abuse of a Minor; a nursing home or law enforcement agency will no longer know that an applicant has a prior conviction for Elder Abuse, Rape or even First-Degree Murder.

This legislation would also severely limit the use of subsequent offender penalties, mandatory sentencing minimums, and would alter sentencing through the Maryland State Guidelines. Law Enforcement, Prosecutors, and our Judges will not know the prior history of an individual and thus could no longer tailor sentencing to an individual. Maryland State Guidelines would become unreliable as one of the largest point assessment categories – Prior Adult Criminal Record – would no longer be known. Repeat offenders will not be able to be identified so long as they wait, at most, seven years after completing a sentence. This is clearly not in the best interests of the public and would ultimately pose a danger to Marylanders throughout the State.

An unintended consequence of this legislation would be the legal licensing, carrying, and purchase of firearms by individuals previously convicted of using handguns illegally or any other crime which prohibits a person from possessing a firearm. An individual who is convicted of use of a handgun in a crime of violence would merely have to wait seven years after the completion of their sentence to have that charge expunged, then purchase a handgun from a shop and apply for a carry license, to legally carry another firearm on their person after having already exhibited an inclination to use a firearm for harm. A conviction, which currently would not be eligible for expungement and would be reason for a carry license not to be issued and a handgun sale to be declined.

If the goal of this legislation is to assist individuals with successfully reintegrating into society after their release, there are better mechanisms to accomplish that such as through Shielding or allowing access to expunged records by law enforcement agencies, State's Attorney's Offices, and the Judiciary, but even then the inclusion of all Misdemeanors and Felonies is too broad to ensure public safety.

For these reasons, I respectfully urge an **unfavorable report for House Bill 169**.