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Bill Number: HB 824

Position: Unfavorable

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 824
CRIMINAL PROCEDURE – EXPUNGEMENT- CONVICTION OF DISTRIBUTION OF
CONTROLLED DANGEROUS SUBSTANCE

The Maryland States Attorneys Association is opposed to House Bill 824 Criminal Procedure-Expungement- Conviction of Distribution of Controlled Dangerous Substance and asks for an unfavorable report.

In 2016, the Maryland Legislature embarked on a mission and project which became the Justice Reinvestment Act. Included within this extensive package aimed at addressing the criminal justice system, as it existed, was a major change and expansion of expungement availability for those intent on first paying their debt to society but then intent on making a future for themselves without the constraint of a criminal record. In doing so, however, the Legislature was cognizant of and created statutes which still required some accountability and protection of society. In 2023 the General Assembly lowered the waiting period even more than previously established. Despite the painstaking efforts of the General Assembly to carefully consider all criminal offenses and include those by which it has been determined deserve consideration for expungement, there have been a few occasions where additional eligible offenses have been added.

The addition of Distribution of a Controlled Dangerous Substance as an offense eligible for expungement, however, should not occur. This crime, in its' most simple terms, is being a drug dealer. One who engages in this act or set of acts has made the affirmative decision to distribute a controlled dangerous substance in exchange for money. The act or acts of that person provides a grave amount of danger to those who buy the drugs from them or to all to whom the drugs are further distributed. It is an unquestionable truth that these acts cause the deaths of many individuals who then use those drugs. Drug dealing is also an inherently dangerous crime by its' very act. Many die or are gravely injured in the battles between drug dealers. Innocent law abiding citizens and law enforcement are endangered by the acts of drug

dealers. Without the act of distribution of drugs there would be no deaths from the use or contested “turf” wars. Expungement is available for the Possession of a Controlled Dangerous Substance and the Association accepts this as a circumstance where an individual can demonstrate that they have earned an opportunity to move on with their life and career without the hindrance of the conviction. Dealing that drug is very different. The public and law enforcement authorities deserve to know about the prior drug dealing choices of an individual when they may interact with that person in the future. Those who choose to deal drugs should remain accountable for that decision.

There is an extensive list of crimes which can be expunged even from guilty findings. This should not be included within them.

MSAA requests an unfavorable report for HB 824.