



Maryland Crime Victims' Resource Center, Inc.

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

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Re: Unfavorable to HB 169

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I respectfully urge an **unfavorable report** on House Bill 169.

For more than four decades, MCVRC has walked alongside victims and surviving family members throughout the criminal justice process. We recognize the importance of rehabilitation and second chances. However, HB 169 is a broadly drafted and insufficiently considered expansion of expungement law that fails to adequately account for the rights and interests of crime victims, public safety considerations, and the operational realities of our courts.

1. Mandatory Hearings in Every Case

Under §10-113(C), the court **“shall hold a hearing”** upon the filing of a petition. This mandate applies to *any misdemeanor or felony conviction* after five or seven years, respectively. And, the motion can be made multiple times EVERY three years.

This provision will:

- Significantly increase judicial workload statewide
- Require prosecutor participation in each case
- Trigger victim notification obligations
- Require preparation and court appearances by victims who wish to be heard

Unlike limited expungement provisions that apply to enumerated, lower-level offenses, this bill applies broadly to “any misdemeanor” and “any felony,” with no categorical exclusions in the statute.

The cumulative effect will be a substantial and recurring strain on court resources and prosecutorial offices without any fiscal analysis accompanying the proposal.

2. Reopening Trauma for Victims

Although the bill requires courts to consider “the nature of the crime” and “risk to public safety,” it does not expressly require victim input or victim notification procedures within this section.

For victims of violent crime, the mandatory hearing requirement means reliving the offense years later in open court time after time. Even when expungement is ultimately denied, the process itself can retraumatize victims and undermine the finality they believed the justice system had provided.

Victims deserve stability and certainty—not recurring proceedings that revisit painful chapters of their lives.

3. “Good Cause” Standard Is Broad and includes no conditions of compliance with probation

The bill allows expungement on a showing of “good cause,” considering:

- The nature of the crime
- The person’s history and character
- Risk to public safety
- Rehabilitation
- Time elapsed
- Impact on employment and economic stability

While these factors are important, the standard is inherently subjective and expansive. Without clearer statutory guardrails or exclusions for serious offenses, the bill shifts significant discretion to courts in a way that will lead to inconsistent application across jurisdictions.

Not one of these factors, allows a court to consider whether the offender has complied with his or her court ordered probation conditions. Specified factors should include whether the offender completed mental health treatment, stayed drug and alcohol free, completed any community service hours, or paid the restitution ordered by the court to make the victim at least financially whole.

4. Public Safety & Transparency Concerns

Expungement is not a minor administrative action—it removes public access to criminal records. In cases involving violence, fraud, or crimes against vulnerable populations, expungement may impact:

- Employers conducting background checks

- Licensing boards
- Volunteer organizations
- Nonprofits serving children, elderly individuals, or persons with disabilities, which will include schools, summer camps, and afterschool programs as an example

Maryland is simultaneously considering policies that increase liability exposure for charitable and community organizations based on alleged failures in screening employees. Expanding expungement eligibility for all misdemeanors and felonies, while increasing organizational liability risk, creates conflicting policy pressures. Organizations cannot effectively protect vulnerable populations if access to relevant criminal history is significantly restricted.

5. Repetitive Filings Every Three Years

Although §10-113(F) bars appeals and limits refiling to every three years, this still allows recurring petitions over time. Even if denied, defendants may return repeatedly. Each filing restarts the process and the associated burden on courts, prosecutors, and victims.

Conclusion

HB 169 is overly broad, mandates hearings in every case, and does not sufficiently safeguard victim interests or account for systemic costs. Public policy must balance rehabilitation with accountability, victim stability, and public safety. In its current form, HB 169 does not strike that balance.

For these reasons, the Maryland Crime Victims' Resource Center respectfully requests an **unfavorable report** on HB 169.

Thank you for your consideration and for your continued commitment to Maryland's justice system.

Respectfully submitted,



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& Joanna D. Mupanduki, Esq., Deputy Director
Maryland Crime Victims Resource Center, Inc