

Ivan Bates
President



Kirsten N. Brown
Executive Director

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

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Bill Number: HB 397

Position: Unfavorable

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 397
CRIMINAL PROCEDURE – EXPUNGEMENT-FAILURE TO OBEY A COURT
ORDER TO REPORT TO CONFINEMENT

The Maryland States Attorneys Association is opposed to House Bill 397, Criminal Procedure -Expungement - Failure to Obey a Court Order to report to Confinement 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 this offense, however, should not occur. The crime of Failure to Obey a Court Order to Report to Confinement is by its' very language an escape and, in fact, is a part of the Second Degree Escape statute. Escape is clearly a matter which should not be permitted to be expunged. It is also a direct disobedience of an order from a Court. Future courts and the public deserve to know of a prior escape by an individual if, for example, they are determining the appropriateness of release for a subsequent crime

There are a long list of crimes which can be expunged even from guilty findings. This should not be one of them. We request an unfavorable report.