

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 397  
Criminal Procedure – Expungement – Failure to Obey a Court  
Order to Report to Confinement  
**DATE:** January 28, 2026  
(3/3)

### INFORMATIONAL COMMENT PAPER

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The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

Although the Judiciary has no position on the bill, we write to make the Committee aware of the bill's impact on certain judicial decisions. A person's previous escape from confinement is currently information the court would have available to consider when making determinations as to pre-trial release, deferred reporting dates to confinement, and home detention amenability. This information is also relevant when a judge is determining whether a defendant is a good candidate for Health General 8-507 placements, given the requirement that a placed individual remain at the facility during the term of treatment.

Information about a previous escape, or about a failure to report for a deferred sentence, is helpful to determine eligibility for similar consideration in the future. Depriving judges of this information may negatively impact their ability to make informed decisions.

cc. Hon. Robin Grammer

Judicial Council  
Legislative Committee  
Kelley O'Connor