



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable Luke Clippinger, Chairman and  
Members of the Judiciary Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 23, 2021

**RE:** **HB 238- Criminal Procedure - Automatic Expungement**

**POSITION:** OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 238. This bill would provide for the automatic expungement of all court and police records relating to any disposition of a charge of a certain crime, certain civil offense or infraction, or is the subject of a certain warrant. The bill also establishes a timeframe for the expungement determined by whether another charge is associated with the possession charge.

MCPA and MSA understands the desire to provide a second chance for persons in certain circumstances but is concerned with the automatic expungement of charges. HB 238 provides no opportunity for the State's Attorney to note an objection to the expungement for any reason. Further, it applies in the following situations:

- if the defendant negotiated a plea agreement that reduced a felony charge to simple offense or infraction
- if the defendant is currently in violation of terms of probation;
- if the defendant is a wanted fugitive;
- if there are pending related civil proceedings involving the defendant; and,
- if there are pending appeals related to defendant's criminal conviction.

In addition, no notice of the contemplated expungement would be provided to any witnesses testifying in the case; and extensive and costly work hours and/or computer programming would be necessary to search for applicable records potentially extending over several decades.

Before any changes are made to the expungement process these matters need to be addressed. Input is needed from the judiciary, prosecutors and law enforcement to ensure public safety.

For these reasons, MCPA and MSA OPPOSE HB 238 and urge an UNFAVORABLE Committee report.