



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: HB0957 Criminal Procedure - Expungement - Felony Convictions

FROM: Maryland Office of the Public Defender

POSITION: Favorable, with an Amendment

DATE: 2/17/2022

The Maryland Office of the Public Defender requests that the Committee issue a favorable report, with amendments on House Bill 957. This bill broadens the eligibility of convictions that are permission to be expunged after the filing of the appropriate pleadings.

Over the past several years starting in 2007, the Maryland Legislature has recognized the importance of increasing the availability of expungement services to Maryland residents. It is vital that we continue this trend. Expungement is so important when it comes to allowing all individuals to move beyond the mistakes and subsequent convictions that may follow.

Expungement, or legal redemption as I like to say, promotes a more successful law abiding lifestyle. OPD clients generally seek expungement to help secure a job, a professional license, or certain types of housing. These are basic fundamental needs.

A criminal record is not just what is on a person's rap sheet but it must also be considered what is accessible on Maryland Judiciary Case Search and the information that has been obtained and disseminated by private databases. Private databases are using publicly accessible information that supports a two-plus billion dollar industry, according to an article published by IBIS World in November 2020. However, there is no real regulation of these private databases. If this law is passed, it is important to consider that an expunged case truly is expunged; and cannot be accessible through a back door approach.

The Maryland Office of the Public Defender supports this bill, but would encourage that the limiting language be stricken dealing with the robbery with a deadly weapon charge. This

language does not promote the purpose of this bill. A minor conviction for an open container could prevent this more serious charge from being eligible. It would be an absurd result.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report, with an amendment on HB 957.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Authored by: Mary Denise Davis, Chief Attorney, Baltimore City Bail Unit

Marydenise.davis@maryland.gov , 410-878-8150