



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2023

RE: **SB 37 - Criminal Procedure – Expungement of Records – Waiting Periods (REDEEM Act of 2023)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 37**. This bill would reduce the time period an individual who has been convicted of certain crimes must wait before being able to file a petition for expungement of official court and law enforcement records. This prevents law enforcement from being able to appropriately report critical criminal background information for employment, security, repeat offender, and licensing purposes as mandated by State and Federal laws.

Current provisions in Md. Code, Criminal Procedure Article, §10-110, authorize a person convicted of certain crimes to file an expungement petition 10 years after the completion of their sentence for certain misdemeanors and 15 years after the completion of their sentence for certain felonies. Under HB 97, the 10-year expungement petition waiting period would be reduced to 3 years; and the 15-year waiting period would be reduced to 5 years.

The accelerated expungement waiting period would apply to individuals convicted of a wide variety of crimes. These include but are not limited to operating as an unlicensed real estate broker; Peace Order violations; wiretapping; failure to surrender while on bail; 2nd-degree assault; filing fraudulent liens; malicious burning of another's personal property; motor vehicle theft; threats against public officials; sextortion; credit card fraud; bribery (athletic contests); false statement or report of a crime; cemetery property destruction; domestic violence Protective Order violations; interfering with or impersonating fire or rescue personnel; willful failure to file tax returns; criminal contempt; battery; hindering law enforcement; and felony theft.

The MPCA and MSA are particularly concerned about the impacts an accelerated expungement waiting period would have for violations of peace orders and protective orders given the particularly sensitive nature of handling these crimes. As the Committee deliberates this issue, care must be taken to ensure that the waiting period is not reduced so much as to undermine important background and records checks that protect victims and the public.

Criminal background checks are mandated by law for a number of employment positions including public safety workers, teachers, childcare providers, health care workers, and many others. Criminal records checks are required for the licensing of firearms purchases, hazardous materials drivers, real estate brokers, liquor licenses, and others. Accurate criminal history records are needed for repeat offender sentencing provisions where criminal punishment is enhanced for subsequent violations.

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Because the greatly reduced expungement waiting period in the bill would undermine essential criminal background, record, and history functions, the MCPA and MSA **OPPOSE SB 37** and request an **UNFAVORABLE** committee report.