



**Testimony for the House Judiciary Committee
February 13, 2018**

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PUBLIC POLICY DIRECTOR

HB 382 Criminal Procedure - Expungement - Civil Offense

FAVORABLE

The ACLU of Maryland urges a favorable report on HB 382, which would clarify that a person may petition for expungement of any civil offense or infraction, except a juvenile offense. The bill repeals the requirement that the civil offense or infraction be a substitute for a criminal charge, including a civil citation for possession of less than 10 grams of marijuana.

In 2014, the General Assembly passed SB 517, removing criminal penalties for the possession of small amounts of marijuana. During the following legislative session, it expanded this law by decriminalizing paraphernalia, and then overrode the Governor's veto during the following session, reaffirming the state's understanding that entanglement with the law—be it civil or criminal, needlessly disrupts livelihoods and yields little or no public safety returns. This override vote made the penalty for smoking marijuana in public a civil fine. Although this was a critical step forward, the existence of a civil fine nonetheless carries some stigmatizing effect and should be addressed. By allowing for the expungement of civil offenses, HB 382 would remove the public stigma from this consensual adult activity. The potential impact under HB 382 is substantial—according to the Judiciary, in 2016 there were approximately 15,051 violations and 9,394 guilty dispositions involving the possession of less than 10 grams of marijuana.¹

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 382.

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¹ HB 488 Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity, Fiscal and Policy Note (2017).