

May 29, 1974.

The Honorable Marvin Mandel  
Governor of Maryland  
State House  
Annapolis, Maryland 21404

Dear Governor:

I am writing to you concerning the provisions of House Bill 122 which provides for expungement of criminal records in certain cases.

It is difficult to quarrel with the concept that certain records of arrest and trials should be expunged, for it is true that many arrests are made each year for which there is no valid basis and the record of that arrest could be embarrassing to the particular citizen. Although I did not testify before any committee on this bill, I have on occasion stated to individual legislators my personal view that the judges of this State should be vested with authority to order expungement when in their judgment such action is required by the ends of justice. I have also repeatedly expressed the view that expungement should not apply to motor vehicle cases, and should be upon written petition filed with the court.

Because I support the principle of expungement and because of my very real respect for the sponsors of this measure, it is with reluctance that I suggest to you that this bill in its present form might impose virtually insurmountable problems on the judges and clerical staff of the District Court.

I am troubled by several aspects of the bill. The first of them is that the definition section, 727B, would seem to include the electronic recording of a case within those records that must be expunged. Throughout the three year history of this court we have recorded all trials on a disk-type recording device, and in tens of thousands of instances many brief trials are recorded on the same record. I do not know how we can remove or expunge one particular trial from such a disk. If it can be done at all, it will most certainly be a time consuming and laborious practice, and we do not have sufficient personnel to accomplish this task if we should be faced with a large number of petitions.

My second specific problem arises from the retroactivity section of the bill, Section 734. Under the provisions of Article IV, Section 41I(f) of the Constitution the District Court is the custodian of all papers, dockets, files, books and records of all of our predecessor courts of this State, including every trial magistrate, all People's Courts and the Municipal Court