

Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 607 – *Police and Court Records – Nuisance Crimes – Expungement*.

House Bill 607 allows an individual who has been convicted of one or more of 10 specific offenses to petition to have the police and court records concerning the conviction expunged three years after the latter of the conviction or completion of the sentence. The bill does not limit the number of expungements that an individual may receive for the specified crimes.

Current law establishes eight specific circumstances under which an individual may petition for expungement of a criminal record. Seven of these circumstances involve situations in which there was no conviction: an acquittal, a dismissal of charges, a nolle prosequi, a stet, certain probations before judgment, a compromise of an assault charge, or a transfer of a case to the juvenile court. A conviction may be expunged under current law only if an individual is convicted of a single nonviolent crime and is granted a full and unconditional pardon by the Governor.

There is now a clear bright line regarding expungements of convictions. With the single exception stated above, they are not allowed. The public policy of the State does not distinguish between different types of crimes. A conviction creates a record that may be relevant in the event of future criminal proceedings.

It is important to note that criminal histories are also used for non-criminal purposes. For example, individuals seeking to work with children, in adult dependent care, with explosives, or with security systems are required to obtain a criminal history records check. If an individual has a conviction involving one of these crimes, or especially if there is more than one conviction for a crime such as urinating in public (i.e., an indecent exposure charge) or riding a transit vehicle without paying (a form of theft), such a record may be relevant information in determining whether the person should be working with children or with vulnerable adults.

As stated above, the law does provide the exception for a gubernatorial pardon that would apply to a single conviction of those crimes listed in House Bill 607. Accordingly, I have implemented a procedure to review all requests for pardons. The materials presented include a review of the circumstances of the crime, the person's behavior following the conviction, the reasons for seeking a pardon, the opinion of any victim, and recommendations by those involved with the case within the criminal justice system. Under appropriate circumstances I believe that individuals are entitled to a second chance and have not been reluctant to act accordingly. I believe the best approach is to consider such requests on a case-by-case basis and not through a blanket process of expungement.

The Department of Public Safety and Correctional Services has requested a veto of House Bill 607. The department states: "To permit expungements of certain convictions, even those of apparently minor nature, without reference to a review of the petitioner's complete record would critically diminish the utility of Maryland's