

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 268
Judiciary

(Delegate Grammer)

Criminal Procedure - Expungement of Records - Definitions

This bill deletes references to “from public inspection” from the definitions of “expunge” and “expungement” in Title 10, Subtitle 1 of the Criminal Procedure Article.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: Title 10, Subtitle 1 of the Criminal Procedure Article addresses the expungement of police and court records.

Section 10-112 of the Criminal Procedure Article requires the Department of Public Safety and Correctional Services, on or before July 1, 2024, to remove all references to a case from the Central Repository if possession of cannabis under § 5-601 of the Criminal Law Article was the only charge in the case, and the charge was issued before July 1, 2023. For purposes of this section, “expunge” means to remove all references to a specified criminal case from the Central Repository.

Other than § 10-112 “expungements,” an “expungement” of a court or police record means removal *from public inspection*:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record or the part of that record that provides access.

“Expunge” means to remove information *from public inspection* in accordance with Title 10, Subtitle 1 of the Criminal Procedure Article.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore, Frederick, and Montgomery counties; cities of Frederick and Havre de Grace; Maryland State Treasurer’s Office; Judiciary (Administrative Office of the Courts); Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 29, 2024
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