

HOUSE BILL 943

E2, P3

4lr2187

By: **Delegate Embry**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Expunged Cases and Judicial Actions – Disclosure and Public Access**

3 FOR the purpose of clarifying that expungement does not prohibit disclosure of certain case
4 records; providing that certain provisions of law shall be construed in favor of
5 allowing access to information about judicial actions; and generally relating to access
6 to judicial information.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 10–108
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – General Provisions
14 Section 4–103
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Criminal Procedure**

20 10–108.

21 (a) A person may not open or review an expunged record or disclose to another
22 person any information from that record without a court order from:

23 (1) the court that ordered the record expunged; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the District Court that has venue in the case of a police record expunged
2 under § 10–103 of this subtitle.

3 (b) A court may order the opening or review of an expunged record or the
4 disclosure of information from that record:

5 (1) after notice to the person whom the record concerns, a hearing, and the
6 showing of good cause; or

7 (2) on an ex parte order, as provided in subsection (c) of this section.

8 (c) (1) The court may pass an ex parte order allowing access to an expunged
9 record, without notice to the person who is the subject of that record, on a verified petition
10 filed by a State’s Attorney alleging that:

11 (i) the expunged record is needed by a law enforcement unit for a
12 pending criminal investigation; and

13 (ii) the investigation will be jeopardized or life or property will be
14 endangered without immediate access to the expunged record.

15 (2) In an ex parte order, the court may not allow a copy of the expunged
16 record to be made.

17 (d) (1) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year
19 or both.

20 (2) In addition to the penalties provided in paragraph (1) of this subsection,
21 an official or employee of the State or a political subdivision of the State who is convicted
22 under this section may be removed or dismissed from public service.

23 **(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE**
24 **DISCLOSURE OF ANY CASE RECORD THAT:**

25 **(1) CONTAINS INFORMATION THAT IS ALSO CONTAINED IN AN**
26 **EXPUNGED RECORD;**

27 **(2) IS FORMATTED TO FACILITATE RESEARCH; AND**

28 **(3) CONTAINS DE-IDENTIFIED CASE DATA.**

29 **Article – General Provisions**

30 4–103.

1 (a) All persons are entitled to have access to information about the affairs of
2 government and the official acts of public officials and employees.

3 (b) To carry out the right set forth in subsection (a) of this section, unless an
4 unwarranted invasion of the privacy of a person in interest would result, this title shall be
5 construed in favor of allowing inspection of a public record, with the least cost and least
6 delay to the person or governmental unit that requests the inspection.

7 (c) This title does not preclude a member of the General Assembly from acquiring
8 the names and addresses of and statistical information about individuals who are licensed
9 or, as required by a State law, registered.

10 **(D) (1) THE GENERAL ASSEMBLY FINDS THAT RESEARCH INTO JUDICIAL**
11 **ACTIONS ENSURES EVIDENCE-BASED ASSESSMENTS OF OUTCOMES AND SERVES**
12 **THE PUBLIC INTEREST.**

13 **(2) TO CARRY OUT THE FINDING IN PARAGRAPH (1) OF THIS**
14 **SUBSECTION, UNLESS OTHERWISE PROVIDED BY LAW OR ORDER OF COURT, THIS**
15 **TITLE SHALL BE CONSTRUED IN FAVOR OF ALLOWING PUBLIC ACCESS TO**
16 **INFORMATION ABOUT THE JUDICIAL ACTIONS OF ANY COURT OF THIS STATE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.