

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 269
Judiciary

(Delegate Grammer)

Criminal Procedure - Disclosure of Expunged Records - Alterations

This bill specifies that a unit, official, or employee of the State or a political subdivision of the State may not deny a person's application *for a license, permit, registration, or governmental service* solely because the person refuses to disclose information about criminal charges that have been expunged. The bill also prohibits an educational institution from expelling or refusing to admit a person solely because the person refused to disclose information about criminal charges that have been expunged. Violations are a misdemeanor, punishable by imprisonment for up to one year and/or a \$1,000 maximum fine for each violation (the penalty for the existing prohibition).

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: Minimal.

Analysis

Current Law: The following entities may not require the disclosure of expunged information about criminal charges in an application, interview, or other means:

- an employer or educational institution of a person who applies for employment or admission; or

- a unit, official, or employee of the State or a political subdivision of the State of a person who applies for a license, permit, registration, or governmental service.

A person need not refer to or give information concerning an expunged charge when answering a question concerning a criminal charge that did not result in a conviction or a conviction that the Governor pardoned.

Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for (1) an employer to discharge or refuse to hire the person or (2) a unit, official, or employee of the State or a political subdivision of the State to deny the person's application.

Violators are guilty of a misdemeanor punishable by imprisonment for up to one year and/or a \$1,000 maximum fine for each violation. In addition to these penalties, an official or employee of the State or a political subdivision of the State who is convicted of a violation may be removed or dismissed from public service.

The bill's provisions are similar to provisions regarding shielded records under § 10-306 of the Criminal Procedure Article. However, violations of those prohibitions are not subject to criminal penalties.

Additional Information

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

Designated Cross File: None.

Information Source(s): Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Maryland Higher Education Commission; University System of Maryland; Morgan State University; Maryland Independent College and University Association; Department of Human Services; Maryland Department of Labor; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Maryland Department of Health; Department of Legislative Services

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