

# HOUSE BILL 365

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By: **Delegate Embry**

Introduced and read first time: January 16, 2025

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Expunged Records – Disclosure**

3 FOR the purpose of clarifying that expungement does not prohibit disclosure of certain  
4 records; and generally relating to disclosure of judicial records.

5 BY repealing and reenacting, with amendments,  
6 Article – Criminal Procedure  
7 Section 10–108  
8 Annotated Code of Maryland  
9 (2018 Replacement Volume and 2024 Supplement)

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

12 **Article – Criminal Procedure**

13 10–108.

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

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

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

19 **(1) CONTAINS INFORMATION THAT IS ALSO CONTAINED IN AN**  
20 **EXPUNGED RECORD;**

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2025.