

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 621
Judiciary

(Delegate Moon)

Criminal Procedure - Expungement - Adverse Actions and Removal From
Maryland Electronic Courts (MDEC) System

This bill clarifies that refusal by a person to disclose information about criminal charges that have been expunged (1) may not be the sole reason for a unit, an official, or an employee of the State or a political subdivision of the State to deny the person's application for a license, permit, registration, or governmental service and (2) may not be the sole reason for an educational institution to expel or refuse to admit the person. The bill also prohibits the Maryland Electronic Courts (MDEC) system from in any way referring to the existence of a case in which possession of cannabis is the only charges in the case and the charge was disposed of before July 1, 2023. Finally, the bill requires the Department of Public Safety and Correctional Services (DPSCS) to remove from the MDEC system all references to the existence of such cases.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$143,500 in FY 2026 only for one-time computer programming. Otherwise, the bill is not expected to materially affect State finances or operations.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: The following individuals/entities are prohibited from requiring a person to disclose expunged information about criminal charges in an application, interview, or other means: (1) an employer or educational institution when the person applies for

employment or admission; and (2) a unit, official, or employee of the State or a political subdivision of the State when the person applies for a license, permit, registration, or governmental service. A person is not required to refer to or give information concerning an expunged charge when answering a question about a criminal charge that did not result in a conviction or a conviction that the Governor pardoned. A person's refusal to disclose information about expunged criminal charges may not be the sole reason for an employer to discharge or refuse to hire the person or 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 fine of up to \$1,000 for each violation. A governmental official or employee who is convicted may also be removed or dismissed from public service.

Pursuant to Chapter 26 of 2022, the Maryland Judiciary Case Search may not in any way refer to the existence of a criminal case in which possession of cannabis under § 5-601 of the Criminal Law Article is the only charge in the case and the charge was disposed of before July 1, 2023. Chapter 26 also required DPSCS to remove all references to such cases from the Central Repository by July 1, 2024.

State Expenditures: While the bill requires *DPSCS* to remove information from *the MDEC system* by July 1, 2024, this estimate assumes that the Judiciary is responsible for implementation of this requirement since the MDEC system was created and is controlled by the Judiciary and is not connected to DPSCS.

The Judiciary advises that removal of all references to specified cannabis possession cases from MDEC in accordance with the bill requires one-time computer programming, at a cost of \$143,530 in fiscal 2026 only. The Judiciary notes that if compliance is required by the bill's October 1, 2025 effective date, additional resources may be required.

Additional Information

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

Designated Cross File: None.

Information Source(s): Montgomery and Worcester counties; Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General; Judiciary (Administrative Office of the Courts); University System of Maryland; Morgan State University; St. Mary's College of Maryland; Department of Budget and Management; Department of Housing and Community Development; Department of Human Services; Department of Natural Resources; Department of Public Safety and Correctional Services;

Department of State Police; Department of Veterans and Military Families; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2025
rh/jkb

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510