

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 365
Judiciary

Courts - Expunged Records - Disclosure

This bill specifies that statutory provisions regarding access to expunged records do not prohibit the disclosure of any record that (1) contains information that is also contained in an expunged record; (2) is formatted to facilitate research; and (3) contains de-identified case data.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Current Law:

Expungement of Records

In general, §§ 10-105 and 10-110 of the Criminal Procedure Article establish eligibility for the expungement of records pertaining to a criminal charge or conviction. 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; and
- 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 it that provides access.

Accessibility of Expunged Records

A person may not open (or review) an expunged record – or disclose to another person any information from that record – without a court order from (1) the court that ordered the record expunged or (2) the District Court that has venue in the case of a police record expunged under § 10-103 of the Criminal Procedure Article (pertaining to an arrest, detention, or confinement occurring prior to October 1, 2007, in which a person was released without being charged).

A court may order the opening (or review) of an expunged record, or the disclosure of information from that record (1) after notice to the person whom the record concerns, a hearing, and the showing of good cause or (2) without notice to the person who is the subject of the expunged record, on an *ex parte* order, as specified.

A person who violates these provisions is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$1,000 and/or imprisonment of up to one year. In addition, 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.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 943 of 2024.

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2025
km/jkb

Analysis by: Joanne E. Tetlow

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