

HOUSE BILL 621

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5lr2487

By: **Delegate Moon**

Introduced and read first time: January 23, 2025

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of clarifying that refusal by a person to disclose information about criminal charges that have been expunged 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; providing that refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for an educational institution to expel or refuse to admit the person; prohibiting the Maryland Electronic Courts (MDEC) system from in any way referring to the existence of a certain case in which possession of cannabis is the only charge in the case and the case was disposed of before a certain date; requiring the Department of Public Safety and Correctional Services to remove from the MDEC system all references to the existence of a certain case in which possession of cannabis is the only charge in the case and the case was disposed of before a certain date; and generally relating to expungement.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–109, 10–111, and 10–112
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)

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

Article – Criminal Procedure

10–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) Disclosure of expunged information about criminal charges in an application, interview, or other means may not be required:

(i) by an employer or educational institution of a person who applies for employment or admission; or

(ii) by 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.

(2) A person need not refer to or give information concerning an expunged charge when answering a question concerning:

(i) a criminal charge that did not result in a conviction; or

(ii) a conviction that the Governor pardoned.

(3) Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for:

(i) an employer to discharge or refuse to hire the person; [or]

(ii) a unit, official, or 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; OR**

(III) AN EDUCATIONAL INSTITUTION TO EXPEL OR REFUSE TO ADMIT THE PERSON.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both for each violation.

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

10-111.

The Maryland Judiciary Case Search **AND THE MARYLAND ELECTRONIC COURTS (MDEC) SYSTEM** may not in any way refer to the existence of a criminal case in which:

(1) possession of cannabis under § 5-601 of the Criminal Law Article is the only charge in the case; and

- (2) the charge was disposed of before July 1, 2023.

10–112.

(a) In this section, “expunge” means to remove all references to a specified criminal case from the Central Repository **AND THE MARYLAND ELECTRONIC COURTS (MDEC) SYSTEM**.

(b) On or before July 1, 2024, the Department of Public Safety and Correctional Services shall expunge all cases in which:

- (1) possession of cannabis under § 5–601 of the Criminal Law Article is the only charge in the case; and

- (2) the charge was issued before July 1, 2023.

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