

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 131
Judiciary

**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 \$175,600 in FY 2027 only for one-time computer programming. Otherwise, the bill is not expected to materially affect State finances or operations, as discussed below.

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

Small Business Effect: None.

Analysis

Current Law:

Disclosures of Criminal Charges

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.

References to Cannabis Criminal Records in Case Search and the Central Repository

The Maryland Judiciary Case Search (which is not the same as MDEC), provides public Internet access to information from Maryland District Court and circuit court traffic, criminal, and civil case records. The information shown includes names of parties, addresses, case numbers, dates of birth, trial dates, charges, and case dispositions. Among other things, the Maryland Judiciary Case Search is prohibited from referring in any way to the existence of records of a charge in a case with electronic records for (1) a charge of possession of cannabis that resulted in a conviction that was later pardoned by the Governor (effective January 31, 2026), and (2) *a criminal case in which possession of cannabis is the only charge in the case and the charge was disposed of before July 1, 2023.*

On or before July 1, 2024, DPSCS must remove all references in the Criminal Justice Information System Central Repository to all cases in which possession of cannabis is the only charge in the case and the charge was issued before July 1, 2023.

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 as long as the bill only requires the removal of all references to specified cannabis possession cases from *public facing* case records in MDEC, implementation requires only one-time computer programming, at a cost of \$175,607 in fiscal 2027.

The Judiciary notes that if compliance is required by the bill's October 1, 2026 effective date, additional resources may be required. If compliance requires removal from case notes or other cases that refer to the expunged case, the Judiciary lacks the technological ability to accomplish such a task, and implementation to that extent would result in an unquantifiable but significant fiscal and operational impact. This analysis does not reflect implementation costs under these scenarios.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 621 of 2025.

Designated Cross File: SB 315 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Baltimore City Community College; University System of Maryland; Department of Human Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of Legislative Services

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