



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session  
HB0621

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

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### **Bill Summary**

This bill provides that the refusal of a person to disclose information about criminal charges that have been expunged may not be the sole reason for a unit, official, or employee of the State to deny the person's application for a license, permit, registration, or governmental service or for an educational institution to expel or refuse to admit a person. In addition, the bill establishes that the Maryland Electronic Courts (MDEC) system may not refer to the existence of a criminal case in which the possession of cannabis is the only charge and the charge was disposed of before July 1, 2023.

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### **Racial Equity Impact Statement**

The bill's provisions protect individuals from discrimination by specified governmental entities and educational institutions when they do not disclose expunged records of criminal charges or convictions. The bill also ensures that expunged records for specified cannabis possession charges are removed from the MDEC system. There is no data currently available to estimate the extent of the bill's impacts since no dispositive data exists regarding (1) the demographic composition of applicants for expungement; (2) denials of licenses, permits, registrations, or admissions by governmental entities or educational institutions; and (3) denials specifically based on refusals to disclose expunged records. Statewide criminal justice data suggests, however, that Black individuals, in particular, could benefit under the bill to the extent they are currently denied services for failing to disclose expunged records.

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## Analysis

The bill generally modifies State law to remove barriers faced by individuals with expunged criminal records by prohibiting denials of access to occupational licenses, permits, registrations, or governmental services based solely on an individual's refusal to disclose information regarding an expunged criminal record. Refusal to disclose this information may also not be used as a sole justification for expulsion from, or admittance to, an educational institution. The bill prohibits the MDEC system from referring to a case where the only charge was possession of cannabis and the case was disposed of before July 1, 2023.

### *Expungements Generally*

Records eligible for expungement in Maryland include records of (1) arrest and detention; (2) criminal charges; (3) suspected violations of a criminal law; (4) violations of the Transportation Article for which a term of imprisonment may be imposed; and (5) a civil offense or infraction, with some exceptions for specified juvenile offenses. Existing law requires the Department of Public Safety and Correctional Services (DPSCS) to expunge or remove all references in the central repository to cases where the only charge is cannabis possession if the charge was issued prior to July 1, 2023.

Specifically, § 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses, or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements. With some exceptions, to begin the process of expungement, a petitioner must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article, which establishes eligibility for the expungement of records pertaining to a criminal charge or conviction. In general, § 10-110 applies to expungements of convictions, and § 10-105 applies to the expungement of criminal charges that resulted in a disposition other than a conviction.

### *Potential Impacts*

The bill's provisions could help protect individuals with expunged records of criminal charges and/or convictions from the denial of economic opportunities based solely on their refusal to disclose expunged information. Criminal records, regardless of their nature, pose a significant challenge for individuals seeking to rebuild their lives following a conviction, arrest, or charge. Securing employment, housing, health care, education, and access to government services can all be more difficult for those with a criminal history. Previous research has detailed notable collateral consequences to having a criminal record that often exacerbate the challenges of social reintegration following imprisonment. Even individuals convicted of criminal charges that do not face imprisonment may still see significant adverse effects resulting from a criminal record.

According to the Administrative Office of the Courts (AOC), there were 46,251 petitions for expungement in fiscal 2023 and 54,069 petitions for expungement in fiscal 2024 in both the district and circuit courts. There is no demographic data currently available that indicates the racial and ethnic composition of expungement applicants.

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Assuming that trends for expungement applications are similar to trends for charges, convictions, and incarceration in the State, a significant number and percentage of Black individuals could benefit from protections under the bill. DPSCS reports that, as of January 2025, Black individuals made up 72% of Maryland's prison population contrasted with their 29% share of the State's overall population. It is therefore a reasonable assumption that Black individuals comprise a meaningful portion of the population seeking to expunge criminal records.

By way of example, records of cannabis possession violations are eligible for expungement under specified conditions. According to AOC data, Black individuals comprised 67% of those charged for various possession violations between 2010 and 2021 compared to 30% of their white counterparts. Assuming that the overall pool of expungement applicants is similarly distributed, Black individuals are likely the most affected by the provisions of the bill.

### *Applicant and Denial Data*

No reliable data exists to indicate significant denial activity by governmental and/or educational entities related to individuals that have criminal records. Chapter 796 of 2018 required specified departments to report information related to the denial of licenses or certificates for the preceding five years based on an applicant's criminal history. While some of the departments covered under Chapter 796 reported little to no data, the Maryland Department of Labor and the Maryland Department of Health reported that less than 1% of the applicants for various licenses were individuals with criminal histories.

There is even less data regarding denials due to an applicant's refusal to disclose information within an expunged criminal record. There is also no data on admittance denials and/or expulsions from educational institutions. Despite the absence of meaningful data documenting actual adverse impacts under existing law, the bill's provisions could potentially encourage more individuals with a criminal record to apply for governmental or educational services.

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## **Conclusion**

There is no way to reliably measure the impacts of the bill without demographic data for expungement applicants, applicants to the entities covered by the bill, and recent data relating to the reasons for denial of applications by governmental entities and/or educational institutions. To the extent that individuals are denied or discouraged to apply for licenses, permits, registrations, and governmental services, or denied admittance to educational institutions solely due to their refusal to disclose information contained within an expunged criminal record, the provisions of the bill would provide more access to education, employment, professional development, and the economic security afforded by such access. Black individuals could benefit the most from the bill as these individuals are overrepresented in the population of those charged, arrested, convicted, and incarcerated for many of the crimes eligible for expungement.

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**Information Sources:** Administrative Office of the Courts; Governor's Office of Crime Prevention and Policy; U.S. Bureau of Labor Statistics; Department of Public Safety and Correctional Services; Council of State Governments Justice Center; Maryland Department of the  
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Environment; Department of Human Services; Maryland Department of Agriculture; Maryland Department of Labor; Department of Legislative Services

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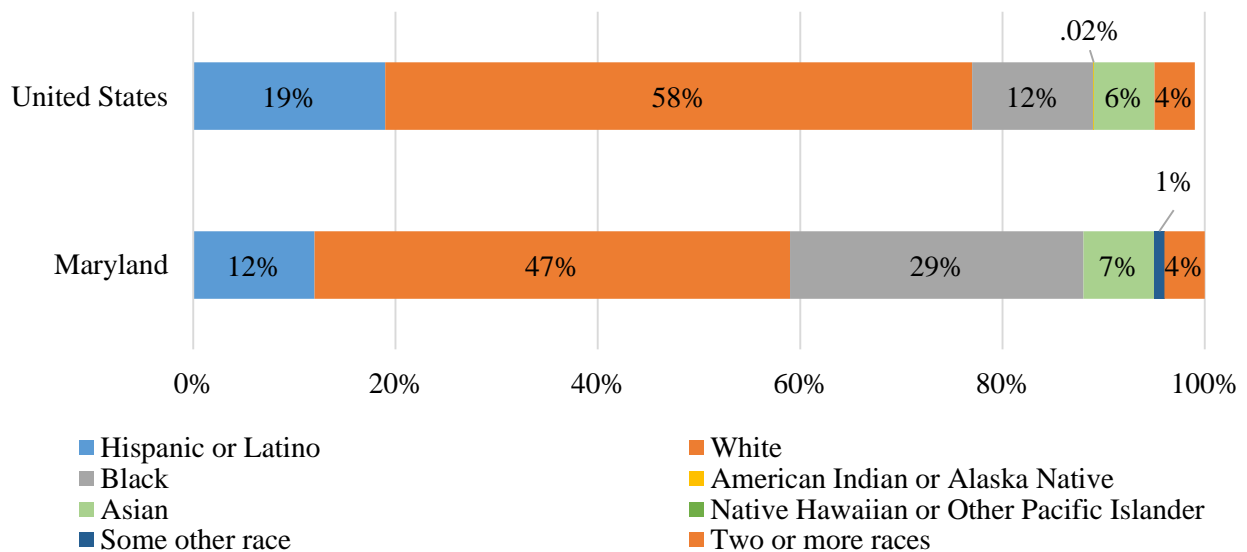
## Appendix – Maryland Demographics

### *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2020**



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.