



2025 Session
HB0777

Criminal Procedure - Expungement - Effect

Bill Summary

This bill establishes that a person granted an expungement under Title 10, Subtitle 1 of the Criminal Procedure Article must be determined for all purposes not to have been arrested for, cited for, charged with, or convicted of the underlying offense.

Racial Equity Impact Statement

The bill's provisions require that for expungement records, even though law enforcement or the courts may have access to records detailing an individual's criminal or court history, it is deemed that the expunged offense did not occur. The bill would provide that individuals with expunged records will not be obligated to disclose these offenses. Expungement can be helpful to impacted individuals in obtaining employment and other related benefits. National data shows significant negative effects of a criminal record on employment outcomes, and these negative effects appear to be substantially larger for Black individuals. Accordingly, the bill will likely impact Black individuals with an expunged criminal record to the greatest extent. Additional data would be required to measure the overall equity impacts.

Analysis

This bill requires that, for all purposes after an individual has been granted an expungement of criminal and court records, the expungement must be treated as if the individual had not been arrested for, cited for, charged with, or convicted of the underlying offense. The bill does not alter the statutorily defined instances where an individual may petition for expungement, nor does it affect the recordkeeping or other maintenance of any State or local agency or of law enforcement. The practical effect of the bill is that its changes will allow a person to declare on applications,

employment documents, and other forms that they were not arrested or charged for an expunged offense without concern of being accused of making a false statement.

Expungements Generally

Other than specified court-initiated expungements under § 10-105.1 of the Criminal Procedure Article, 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. With some exceptions, § 10-105 applies to dispositions other than a conviction, and § 10-110 applies to expungements of convictions. 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; or
- 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.

According to the Administrative Office of the Courts, 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 available that indicates the racial and ethnic composition of individuals impacted by expungement.

Collateral Consequences of a Criminal Record

Expungement is intended to help mitigate the adverse consequences of having a criminal record, which can last beyond imprisonment, fines, and the legal process and can include the removal of civil opportunities, such as in the application to receive a license to carry a firearm and benefits available to a person due to their record. As a result, a criminal record can impede a person's ability to successfully reenter society. Specifically, having a criminal history can adversely affect employment prospects which can further influence an individual's level of income, housing opportunities, and access to quality health care.

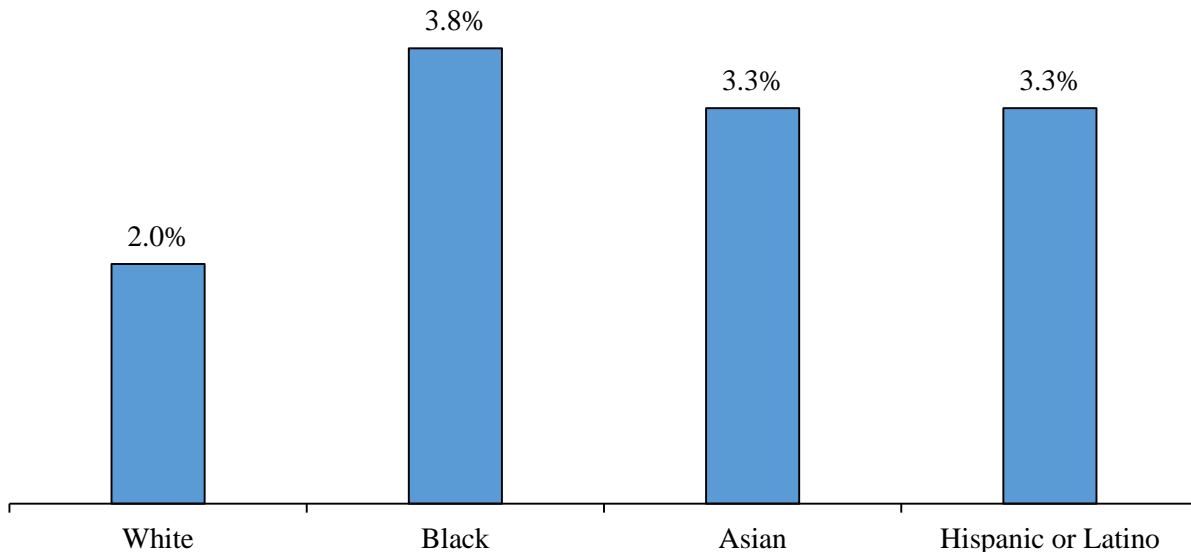
Employment is key to stable housing and homeownership and a variety of State and national data show that higher incomes can lead to the stability and consistency necessary to accumulate the various upfront resources needed to buy a home. Monetary savings for down payments and good credit scores are necessary to achieve initial homeownership and are largely driven by one's employment status and level of income. Employment also often dictates one's access to health care. Certain jobs do not offer health insurance benefits and access to jobs with such benefits may be restricted by an attachment to a criminal record. A criminal record can therefore impose significant barriers to upward socioeconomic mobility following societal reentry and even contribute to recidivism.

Impacts of the Bill

National and State data consistently show that racial minorities experience disproportionate levels of adversity in the areas of life affected by a criminal record. National studies have found that there is a significant negative effect of having a criminal record on employment outcomes that appears substantially larger for Black individuals. As shown in **Exhibit 1**, in 2023, the unemployment rate in Maryland was highest among Black job seekers and almost twice the rate of white job seekers in the State.

The bill’s expungement rules will likely impact Black individuals to a greater extent as Maryland incarcerates these individuals at a disproportionately high rate. The Department of Public Safety and Correctional Services reports that as of January 2025, Black inmates made up 72% of Maryland’s prison population contrasted with their 29% share of the State’s overall population.

Exhibit 1
Unemployment Rate in Maryland by Race and Ethnicity
2023



Source: U.S. Bureau of Labor Statistics

Conclusion

The bill’s provisions would make expungement of criminal and other court or law enforcement records more complete and final. This will enable successful applicants for expungement to refrain from disclosing certain convictions and contacts that may prevent them from achieving employment and all the ancillary benefits and opportunities that come with it, such as licensure applications, adequate housing, and health care opportunities. The bill will potentially impact

Black individuals to a greater extent given their disproportionate incarceration rate. The exact equity impacts of the bill cannot be estimated, however, without additional data including historical demographic data on expungement applicants and prospective employment data for individuals with expunged records.

Information Sources: Administrative Office of the Courts; Department of Public Safety and Correctional Services; Department of Legislative Services

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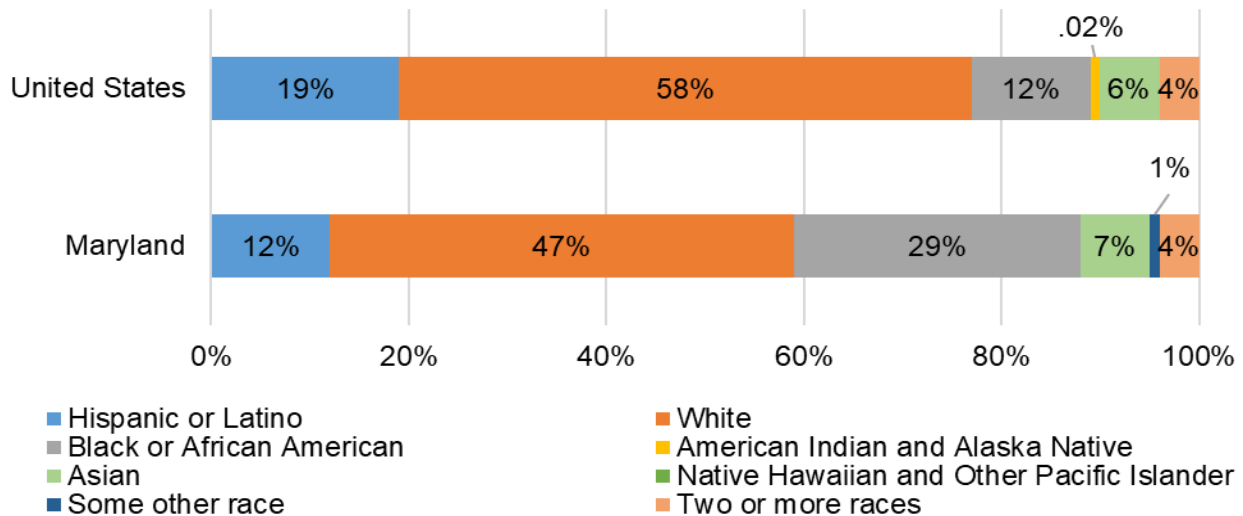
Appendix – Maryland Demographics

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 single race demographic group in the State of Maryland comprising 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 population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American 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.