



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
SB0398

Criminal Procedure - Automated Expungement

Bill Summary

This bill requires the Department of Public Safety and Correctional Services (DPSCS) and the Judiciary to “expunge” specified cases by July 1, 2027, and expunge cases meeting other specified criteria on a monthly basis beginning August 1, 2027.

Racial Equity Impact Statement

The bill’s broad automatic expungement provisions will increase overall expungements and negate the need for individuals to file a petition for expungement. This will be impactful to individuals in obtaining employment and other related benefits. National and State data show significant negative effects of a criminal record on employment outcomes, and while data is not available to measure the specific extent of these impacts, Black individuals could benefit the most from the bill as they are significantly overrepresented in the criminal justice system.

Analysis

The bill requires that, by July 1, 2027, DPSCS and the Judiciary remove from public view all electronic court records related to (1) cases eligible for expungement under § 10-105 of the Criminal Procedure Article if at least three years have passed since the disposition of the case or (2) cases eligible for expungement under § 10-110 of the Criminal Procedure Article, if at least seven years have passed since disposition of the case and the charge is a misdemeanor other than a domestically related crime under § 6-233 of the Criminal Procedure Article or second-degree assault. The bill also establishes a monthly ongoing automated expungement process for the specified misdemeanors and felonies beginning August 1, 2027. Cases must be expunged by the Judiciary and DPSCS within 30 days after notification of newfound eligibility. Other provisions in the bill outline the administrative procedures for automatic expungement.

Under the bill, “expunge” means to remove all references to a specified case from the Central Repository and remove from public view all electronic court records relating to the case. Expungement does not require physical obliteration of records or redaction of physical or electronic documents, media, or recordings.

Collateral Consequences of a Criminal Record

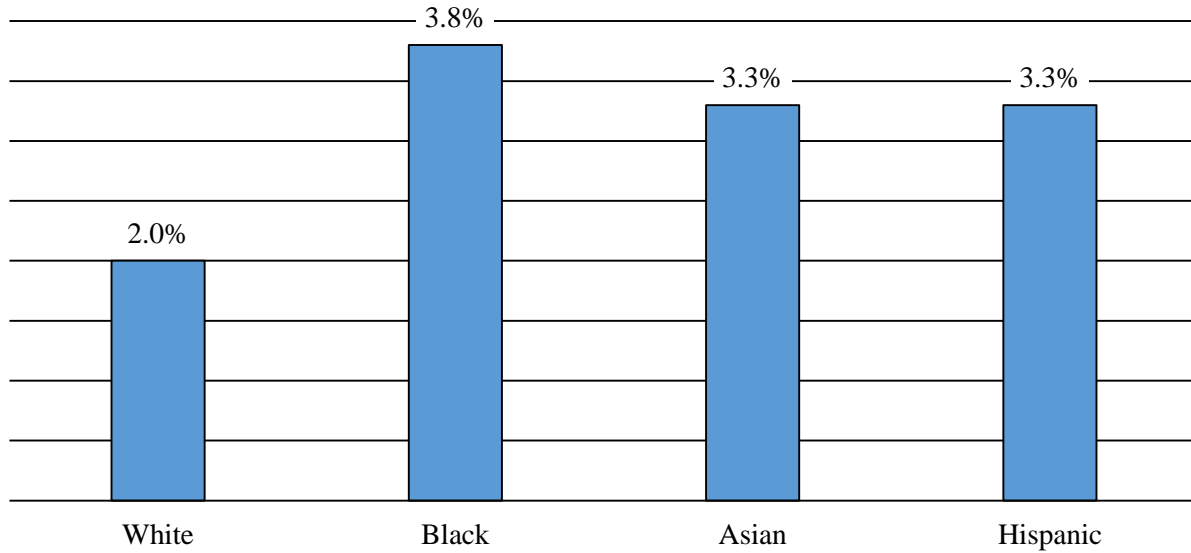
Expungement is intended to help mitigate the adverse consequences of having a criminal record, which can last beyond imprisonment, fines, and the legal process and can include the denial of civil opportunities and benefits available to a person due to their record. Specifically, having a criminal history 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 an individual’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.

Impacts of the Bill

According to the Administrative Office of the Courts (AOC), there were 46,251 petitions for expungement in Maryland’s circuit courts and District Court in fiscal 2023 and 54,069 petitions in fiscal 2024. There is currently no demographic data available that indicates the racial and ethnic composition of individuals impacted by expungement. However, assuming trends for expungement applications mimic trends for charges, convictions, and incarceration in the State, there would be both a significant number and percentage of Black individuals who would benefit under the bill. Representing a disproportionate share of the charged, arrested, convicted, and incarcerated population, it is a reasonable assumption that Black individuals comprise a meaningful portion of the population with expungement eligible records.

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 nearly twice the rate of white job seekers in the State.

Exhibit 1
Unemployment Rate in Maryland
by Race and Ethnicity
2023



Source: Bureau of Labor Statistics

The provisions of the bill will likely impact Black individuals to a greater extent as these individuals are incarcerated at disproportionately high rates in Maryland. DPSCS reports that, for fiscal 2024, Black individuals made up 72% of Maryland’s prison population contrasted with their 29% share of the State’s overall population.

Conclusion

The bill’s provisions will generally encourage all the ancillary benefits and opportunities that come with expunged court records, such as increased access to employment, housing, and health care opportunities and may impact Black individuals to a greater extent given the disproportionate number of Black individuals arrested, charged, and convicted in the State’s criminal justice system. The magnitude of the impact is likely to be significant given the automated nature of the expungements, but ultimately final eligibility depends on the determinations of judges. Specific equity impacts cannot be estimated without additional historical demographic data on expungement applicants, the number of eligible offenses for expungement under the bill, and prospective employment data for individuals with expunged records.

Information Sources: U.S. Bureau of Labor Statistics; Department of Public Safety and Correctional Services; Governor's Office of Crime Prevention and Policy; Administrative Office of the Courts; Department of Legislative Services

Analysis by: Dr. Mikaela Zimmerman

Published: 02/11/2025

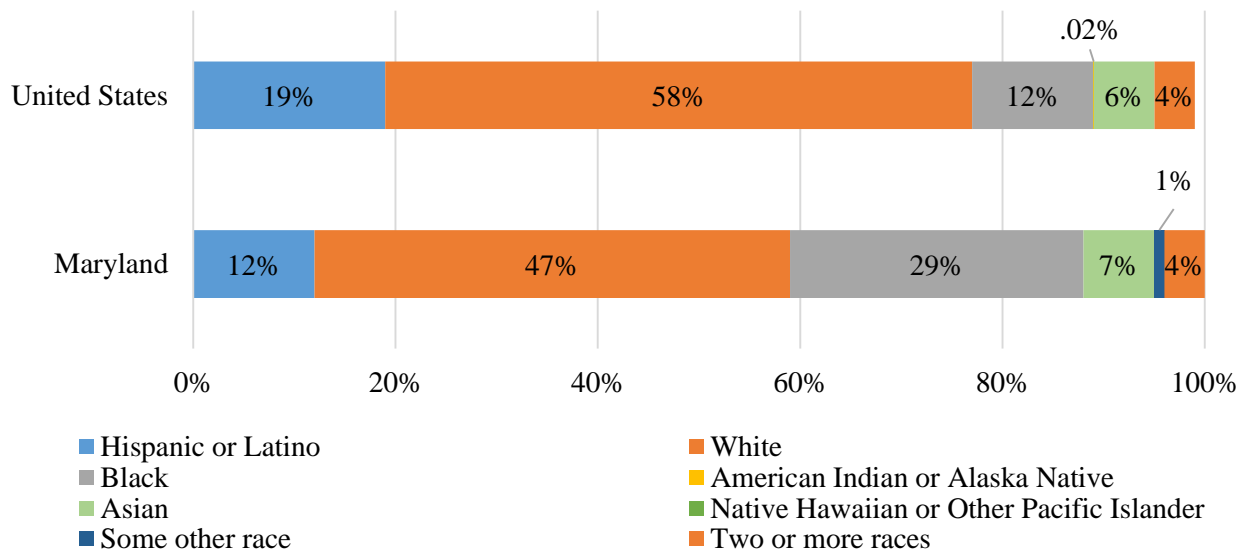
Appendix – Maryland Demographics

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.