



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
SB0649

Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding

Bill Summary

This bill expands eligibility for an expungement under § 10-110 of the Criminal Procedure Article to include a charge that was not disposed of by unequivocal conviction but was instead (1) disposed of by the court with a no finding designation or (2) included in a case that was designated by the court as having been terminated without finding.

Racial Equity Impact Statement

The bill's expansion of expungement eligibility could help mitigate the adverse impacts resulting from a conviction such as difficulty obtaining employment, housing, education, licensing, and other government services as a result of a criminal record. The Judiciary advises that it is unclear what case dispositions the bill applies to, so there is no data available to measure specific impacts. However, national and State data confirm that Black individuals are overrepresented in the criminal justice system and often experience higher rates of unemployment. Individuals with criminal convictions not covered under current expungement rules would benefit to the extent that they take advantage of expungement opportunities offered by the expanded eligibility provisions of the bill.

Analysis

The bill expands opportunities for expungement by authorizing a person to file a petition for expungement of any misdemeanor or felony charge that was not disposed of by unequivocal conviction, but instead was disposed of without any final disposition. Existing case dispositions include acquittal, stet, dismissal, probation, and *nolle prosequi*.

Expungements – Section 10-110 of the Criminal Procedure Article

In general, a person seeking expungement of records pertaining to a criminal charge must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article. With some exceptions, § 10-105 applies to dispositions other than a conviction, and § 10-110 applies to expungements of convictions.

Under § 10-105 of the Criminal Procedure Article, a person who has been charged with the commission of a crime for which a term of imprisonment may be imposed or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State under various circumstances listed in the statute. With specified exceptions, these grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, *stet* of charge, and gubernatorial pardon. Individuals convicted of a crime that is no longer a crime, convicted of possession of cannabis under § 5-601 of the Criminal Law Article, convicted of or found not criminally responsible for specified public nuisance crimes or specified misdemeanors, or who had a conviction vacated due to being a victim of human trafficking (as defined in statute), are also eligible for expungement of the associated criminal records under certain circumstances.

Section 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.

Automatic Expungements – Section 10-105.1 of the Criminal Procedure Article

Pursuant to Chapter 680 of 2021, beginning October 1, 2021, any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of a civil offense under § 5-601(c)(2)(ii) (related to possession of cannabis) of the Criminal Law Article or a crime other than a violation of the Transportation Article for which the defendant is not required to appear, must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than acquittal; dismissal; not guilty; or *nolle prosequi*, other than *nolle prosequi* with a requirement of drug or alcohol treatment.

Collateral Consequences of a Criminal Record

Expungement, in general, 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 shows 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

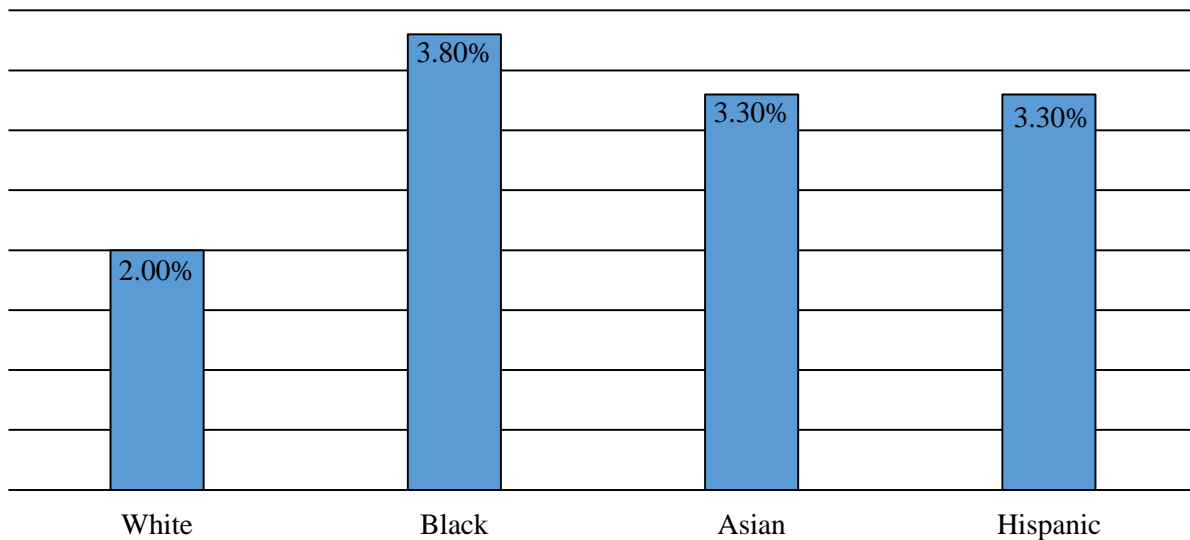
benefits may be restricted by an attachment to a criminal record. A criminal record can therefore impose significant barriers to upward socioeconomic mobility.

Impacts of the Bill

According to the Administrative Office of the Courts, there were 46,251 petitions for expungement in Maryland’s circuit courts and the District Court in fiscal 2023 and 54,069 petitions in fiscal 2024, which are sizable increases from the 38,448 expungement petitions in fiscal 2022 following the legislative expansion of eligibility for expungement. There is currently no demographic data available that indicates the racial and ethnic composition of individuals impacted by expungement.

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. **Exhibit 1** shows that 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 Department of Public Safety and Correctional Services reports that, as of January 1, 2025, Black individuals made up 71% of Maryland’s prison population contrasted with their 29% share of the State’s overall population.

The bill's expungement provisions for the specified cases will likely impact Black individuals to a greater extent as these individuals are overrepresented in charges, arrests, and incarceration for many crimes at a disproportionately high rate, making them also disproportionately affected by the collateral consequences of criminal records. However, the Judiciary advises that because it is not familiar with the terminology referenced in the bill and its case management system does not use this terminology, it cannot estimate the impacts of the bill on expungement filing activity and court workloads. Assuming the bill applies to a small and unique group of dispositions, the overall impacts of its provisions are likely limited.

Conclusion

The bill's provisions expanding opportunities for expungement will enable successful applicants 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 improved housing and health care opportunities. The bill will likely impact Black individuals to a greater extent as these individuals are incarcerated at disproportionately high rates in Maryland. The exact equity impacts of the bill cannot be estimated without clarity on what case dispositions the bill applies to, as the Judiciary advises that the case dispositions referred to in the bill are not used in its case management system. Additionally, historical demographic data on expungement applicants, individuals eligible for expungement under the bill, and prospective employment data for individuals with expunged records would be needed to assess specific impacts.

Information Sources: U.S. Census Bureau; Department of Public Safety and Correctional Services; Administrative Office of the Courts; Economic Policy Institute; Bureau of Labor Statistics; Department of Legislative Services

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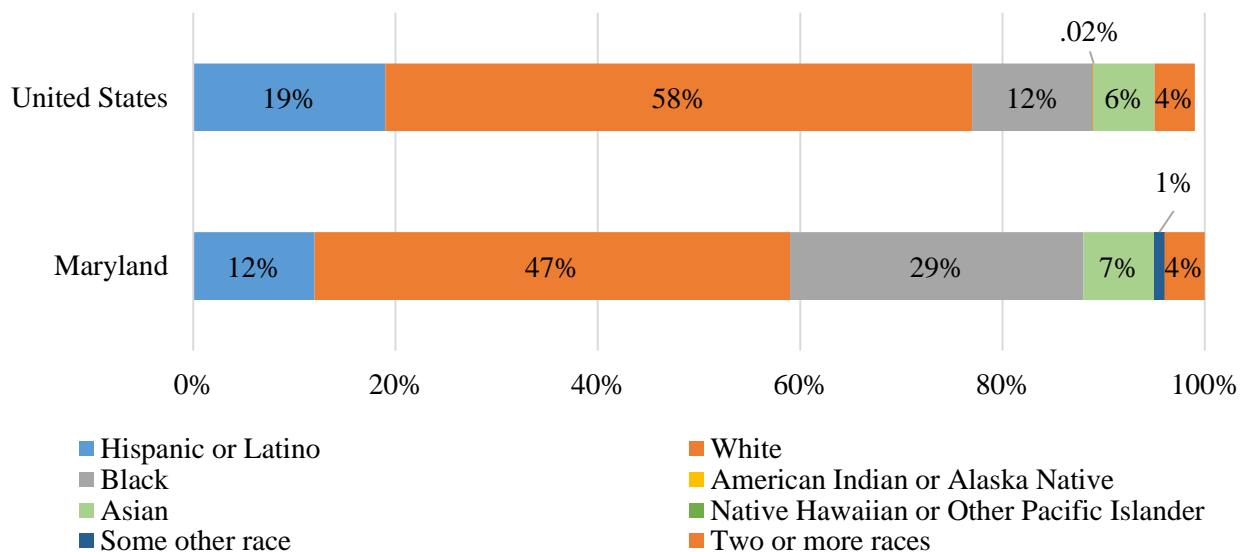
Appendix – Maryland Demographics

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.