RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND · GENERAL · ASSEMBLY

2026 Session
HB0131

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

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.

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 Judiciary's 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.

Analysis

The bill generally modifies State law to remove barriers faced by individuals with expunged criminal records by clarifying that the denial 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 is prohibited. 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 also prohibits the MDEC system, which is the Judiciary's internal case management 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

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.

References to Cannabis Criminal Records

Under existing law, the Maryland Judiciary Case Search (which is not the same as MDEC) provides public 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, the Department of Public Safety and Correctional Services (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.

Potential Impacts

The bill's clarifying 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 54,069 petitions for expungement in fiscal 2024 in both the district and circuit courts. No demographic data is currently available to indicate the racial and ethnic composition of expungement applicants.

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 2026, Black individuals made up 71% of Maryland's prison population contrasted with their 30% 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 the overall pool of expungement applicants is similarly distributed, Black individuals are likely the most affected by the bill's provisions.

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.

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.

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau's Diversity Index. While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State's population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau's Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates
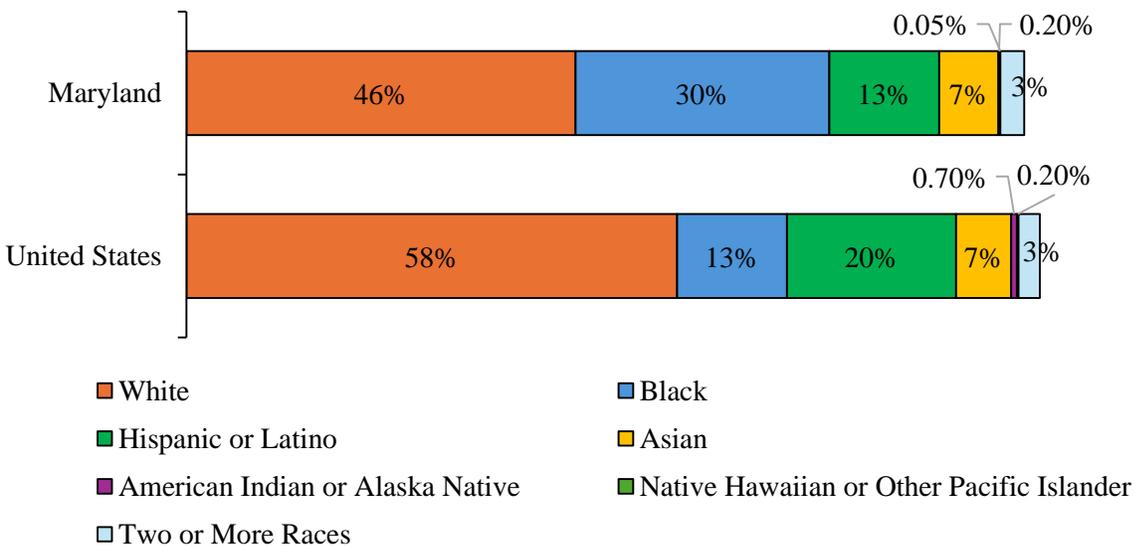
Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)