



2026 Session
SB0464

Commission to Examine the Expungement Laws of Maryland

Bill Summary

This bill establishes the Commission to Examine the Expungement Laws of Maryland, to be staffed by the Governor's Office of Crime Prevention and Policy.

Racial Equity Impact Statement

The bill establishes the Commission to Examine the Expungement Laws of Maryland, which is charged with streamlining the expungement process and broadening the eligibility requirements for expungement. Based on data from the Administrative Office of the Courts (AOC), any changes to expungement laws have the potential to affect a significant amount of individuals with criminal records since an average of 57,000 charges have been expunged annually in the past two years. While the bill's impacts rely entirely on the recommendations of the commission and the extent to which those recommendations become law, Black individuals have the potential to benefit the most given their general overrepresentation in the criminal justice system.

Analysis

The commission must (1) examine the expungement laws of Maryland and the current expungement process under § 10-110 of the Criminal Procedure Article for issues of efficiency and equity; (2) review expungement laws in comparable states; and (3) develop an alternate statutory scheme that provides a streamlined process and broader eligibility. The commission must submit a report to the General Assembly of its findings and recommendations on or before December 31, 2027.

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.

Recent Efforts to Streamline and Expand Expungement in Maryland

Chapter 376 of 2021 established the Workgroup to Study Partial Expungement, and in January 2022, the workgroup published its report and recommendations, which included using electronic removal or shielding from internal and public portals for case record information until it was technologically feasible for affected agencies to partially expunge (by obliteration) court and criminal records. It also recommended that criminal justice stakeholders, including the Judiciary, the Department of Public Safety and Correctional Services (DPSCS), and local and State law enforcement agencies, explore technological capabilities that would provide flexibility and enable partial expungement in the future.

Chapter 940 of 2024 addressed existing technology constraints by requiring DPSCS to include system upgrades required to allow for automated expungement of charges and partial expungement of charges in any vendor contracts being negotiated as of the Act's effective date.

Chapter 95 of 2025 generally expands expungement eligibility by (1) allowing individuals who have violated probation or other terms of their sentence for specified offenses to remain eligible for expungement; (2) expanding the list of misdemeanors eligible for expungement consideration; and (3) requiring specified court records of charges and convictions to be masked or otherwise made inaccessible in the Judiciary case search system. The Act also expands the list of factors a court must consider when determining eligibility for expungement.

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.

According to AOC, there were 46,251 petitions for expungement in Maryland's circuit courts and the District Court in fiscal 2023, 54,069 petitions in fiscal 2024, and 60,527 petitions in fiscal 2025, showing sizable and incremental 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.

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. In 2024, the unemployment rate in Maryland by race and ethnicity was highest among Black job seekers in the State.

Any recommendations from the commission concerning expungement rules will likely impact Black individuals to a greater extent, as Maryland incarcerates these individuals at a disproportionately high rate. DPSCS reports that as of January 2025, Black inmates made up 71% of Maryland's prison population, contrasted with their 30% share of the State's overall population.

Conclusion

Generally, expanding eligibility for expungement and streamlining the process of obtaining an expungement will benefit all individuals in the State that have a criminal record eligible for expungement. Black individuals would likely benefit to a greater extent, given their disproportionate incarceration rate. The bill's exact equity impacts will depend on the nature of the commission's recommendations and whether the recommendations ultimately become law.

Information Sources: Department of Public Safety and Correctional Services; Administrative Office of the Courts; Bureau of Labor Statistics; National Conference of State Legislatures; Department of Legislative Services

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Appendix – Maryland Demographics

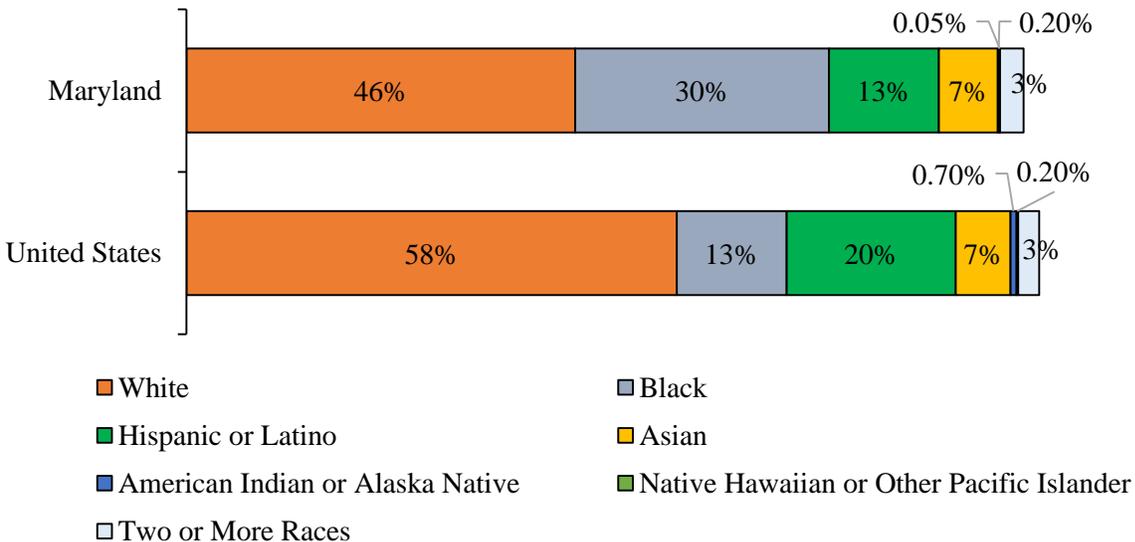
Race and Ethnicity of the Maryland Population

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. 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