

ANNE HEALEY  
Legislative District 22  
Prince George's County

Chair  
Rules and Executive  
Nominations Committee

Environment and Transportation  
Committee

Chair  
Local Government and  
Bi-County Agencies Subcommittee



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Annapolis Office  
The Maryland House of Delegates  
6 Bladen Street, Room 361  
Annapolis, Maryland 21401  
301-858-3961 · 410-841-3961  
800-492-7122 Ext. 3961  
Fax 301-858-3223 · 410-841-3223  
Anne.Healey@house.state.md.us

## **Testimony in Support of HB 622 – Consumer Reporting Agencies – Records of Criminal Proceeding – Prohibition February 13, 2024**

Chair Beidle and Members of the Committee,

For the record, I am Delegate Anne Healey, seeking a favorable report on HB 622.

This bill simply requires that a consumer reporting agency not include information from a criminal proceeding where persons are falsely accused, acquitted, or exonerated, as well as dispositions that are dropped, nolle pros, not guilty, or expunged. This does not refer to obsolete information.

This bill came before your committee last year with testimony stating that federal law would preempt this legislation. This testimony was not from the Office of Policy Analysis. I have attached 2 Attorney General's opinions regarding this issue addressing an interpretive rule that was issued "explaining that the preemptive scope of the federal Fair Credit Reporting Act ("FCRA") is "narrow and targeted" and concludes that if a state law prohibits consumer reporting agencies from including information about arrest records in a consumer report, "such a law would generally not be preempted." I asked

for this opinion regarding last year's bill, HB 994, which contains the similar language as this year's bill.

The Fair Credit Reporting Act, Title VI, requires that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce, which must be fair and equitable to the consumer.

Because a consumer report has a bearing on a person's creditworthiness, as well as their character and general reputation, it is neither fair nor equitable that records of arrest that do not result in a guilty conviction or dispositions that are dropped, nolle pros, not guilty, or expunged, preclude persons from the justice to which they are entitled.

Justice delayed is justice denied, and this bill would eliminate the unintended consequences of allowing misleading criminal procedures to remain on a person's consumer report. Innocent people are being harmed. Their reputation and livelihood are being damaged.

This bill does not preempt federal law but goes above and beyond to protect the consumers of the state.

**Therefore, I am asking for a favorable report on HB 622.**