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**DATE:** February 3, 2026

**BILL NUMBER:** SB 320

**POSITION:** Unfavorable

**WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEY'S  
ASSOCIATION IN OPPOSITION TO SENATE BILL 320 - CRIMINAL  
PROCEDURE-EXPUNGEMENT - NO FINDING AND CASE  
TERMINATED WITHOUT FINDING**

The Maryland State's Attorney's Association is opposed to Senate Bill 320 Criminal Procedure-Expungement-No Finding and Case Terminated Without Finding as it is currently drafted because of the potential for misinterpretation of the presumed aim of the legislation.

It appears that Senate Bill 320 is designed to address a very limited prior practice of one Judge in one County in the State of Maryland. Apparently, it was a relatively common event that this one particular Judge would enter the result of a case as "no finding" or "terminated without finding" rather than a common and judicially accepted result at the end of a case. Because of this anomaly, there are apparently individuals who would be entitled to seek expungement of their case had the result been noted as a guilty finding. The Association, with acceptance of the reality that many guilty findings are eligible for expungement, notes the unfairness to those individuals without the noted guilty finding.

The difficulty which the Association has with the legislation is the method by which the bill seeks to remedy this unfairness. The bill as it is currently worded creates the possibility that the change could be interpreted to allow expungement of any offense which had resulted in this notation at the end of the case without looking at the eligibility factors already set out for certain guilty findings in Criminal Procedure Section 10-110. The Bill as currently worded could be read to authorize the expungement of any offense disposed of with a "no finding" designation or "terminated without finding" and not just the eligible offenses listed earlier in the statute which also can be challenged by the victim or the State.

It is the position of the Association that the unfairness can be resolved by different wording to Section 10-110. We would suggest the removal of the amendment to subsection (d)(3) and to rewrite the new (j) to state:

(J) For the purposes of this section, the word "convicted" in subsection (a) includes a criminal charge being:

- (1) Disposed of by the court with a “no finding” designation; or
- (2) Designated by the court as having been “terminated without finding.”

This would provide an avenue of relief for those affected by the unusual terminology given to the cases affected and remove the presumably unintended result which would have overly expanded entitlement to expungement.

Finally, the Association would request that the General Assembly make it clear within its legislative history of this bill that the General Assembly has not by passing this legislation created viability for the designation of “no finding” or “terminated without finding” as an appropriate conclusion to a criminal case.