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CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 525  
Criminal Procedure – Expungement of Records – Good Cause  
**DATE:** February 11, 2026  
(1/17)

### INFORMATIONAL COMMENT PAPER

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The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary notes four areas for the Committee's consideration of possible amendment. First, on page 2, line 6, the bill provides that "a petition under this section shall be filed in the court in which the proceeding began." We would request that "proceeding began" be stricken and substituted for "conviction was entered." Cases that begin in district court may subsequently be forwarded to circuit court by way of a jury trial prayer or indictment. The petition should be filed in the court in which the conviction occurred to effectuate the requested relief.

Second, the Judiciary would request that the mandatory hearing be afforded only for petitioners meeting the statutory eligibility criteria. As currently drafted, the court must hold a hearing even if the petitioner is ineligible under the bill. Citizens are disappointed, and inconvenienced, to learn at a hearing that the court lacks the legal authority to grant

the requested relief. The Judiciary would request that, at the beginning of line 8, on page 2, “If a person meets the eligibility requirements of (a)(1) or (a)(2),” be inserted.

Further, the Judiciary notes that the language in §10-113 (f)(2) does not distinguish between substantive and procedural denials. It is not uncommon for persons to file petitions for expungement just before the eligibility window, expecting the hearing to be scheduled beyond the eligibility window. As currently drafted, the court would have to deny those petitions, forestalling that petitioner from refile for three years. The Committee may wish to consider language allowing early filers, who would have their petitions denied on procedural grounds, leave to refile if the denial is solely based on failing to meet the eligibility requirements of (a)(1) or (a)(2).

Finally, this bill authorizes a person to file a petition for expungement of any misdemeanor conviction not earlier than 5 years, and any felony conviction not earlier than 7 years, after the completion of the sentence, parole, probation, and any other form of mandatory treatment associated with the conviction for which the expungement is being requested. In those cases which contain both a misdemeanor conviction and felony conviction, the language will require the court to partially expunge records and then fully expunge at a later date. This would require manual intervention, cause repetitive filings, and the expenditure of more significant judicial resources. It is requested that the Committee add language to the bill that indicates, in cases which contain both misdemeanor and felony convictions, the timeframe for filing the expungement is controlled by the timeframe of the felony conviction.

cc. Hon. Mary Washington  
Judicial Council  
Legislative Committee  
Kelley O’Connor