

Maryland Circuit Court Clerks' Association



Lisa Yates – President-Elect
Charles County

Kimberly Wagner – Secretary
Harford County

Michelle L. Karczeski
President

Harford County

20 W. Courtland Street
Bel Air, MD 21014

Ajene Turnbull – Vice-President
Wicomico County

Joyce Tippett – Treasurer
Charles County

“Where there is unity, there is strength”

March 26, 2026

Senate Bill 483 – Criminal Procedure – Automated Shielding (Clean Slate Act 2026)
Judicial Proceedings – Senators McKay, Smith, Sydnor, Waldstreicher, Love and Muse

Letter of Information – Concerns with Implementation of SB483

Synopsis: Requiring the Judiciary to Shield all cases “technically eligible for expungement” beginning July 1, 2028 and then monthly basis beginning August 1, 2028

The Maryland Circuit Court Clerks' Association respectfully submits this letter of information for SB483 (Clean Slate Act of 2026) to highlight potential impacts on the Clerk of the Circuit Court's offices and to the citizens and judicial stakeholders it may impact. While the bill assigns the function to the Judiciary, the shielding of the cases will be a responsibility of the Clerk who performs the action of docketing cases and updating case security in case records.

Judicial Determination vs. Ministerial Duty

Determining whether a case is “technically eligible for expungement” requires the legal determination and judgment of a judge. This legislation, while not an expungement, would require a clerk to perform the duties of making a judicial determination on whether a case is eligible for expungement to shield an action. The action of shielding a case record is an administrative and ministerial duty of a clerk, however identifying whether a case is eligible based on numerous case statutes on expungements is making a determination outside that administrative and ministerial action.

Access to Case Records – The proposed automatic shielding of case records may have unintended consequences for access to court records. Legal Aid clinics, Public Defenders, and

other individuals assisting with expungement clinics, or other programs, would not have access to these shielded records to assist in obtaining case information needed for the filing of a Petition for Expungement. Additionally, individuals may not fully understand the distinction between shielding and expungement. When formal background checks are completed, the record may still appear with agencies and CJIS, which would lead to confusion and unintended consequences for an individual that automatically had their case shield, and the clerk could not provide a record for assistance with this. For instance, if an individual had multiple charges and the most serious ones were Nol Pros or Dismissed or Acquittal, the lesser charges guilty charges that were “technically eligible for expungement” and automatically shield, the clerk could not provide a case summary or record to show a potential employer the actual outcome of all the charges.

Outstanding Court Costs and Fines – Under current expungement procedures and law, if there are any outstanding fines and costs, they shall be ordered waived by the Court. In this bill, if these cases are shielded, then any outstanding court costs and fines are still in collection status and could not be seen by agencies that assist the clerk in collecting, for instance Central Collections Unit (CCU) and Parole and Probation. Also, for some criminal cases, payment is made directly at a circuit court location and the Judiciary is exploring an ePayments system that will allow for criminal costs and fines to be made online. If these cases were not available to view publicly, payments would not be able to be easily made on-line through the ePayment system. Also, any court costs and fines that have previously been reported to either CCU or Parole and Probation may still appear to these interested parties in their systems as still being due, however the clerk would not be able to supply a case record showing that the case is in a paid off status if these cases are shielded.

The Maryland Circuit Court Clerks’ Association appreciates the opportunity to share these considerations regarding SB 483.