



**House Bill 0819
Commission to Examine the Expungement Laws of Maryland
In the Judiciary Committee
Committee Hearing on March 3, 2026
Position: Favorable**

Maryland Legal Aid submits its written and oral testimony on HB 0819 at the request of Delegate Stinnett.

Maryland Legal Aid urges a favorable report on House Bill 0819. The bill proposes a commission that will study best practices, collect data, and hear from impacted people, legislators, court administrators, and practitioners. The commission will make informed recommendations to create a more efficient and equitable expungement process for Marylanders.

Maryland's expungement statute needs a makeover. For decades, Maryland has expanded its expungement code during the annual legislative session. The updates have been critical, helping many people obtain a fresh start. Unfortunately, these changes have also created an overly burdensome body of law which is increasingly difficult to navigate. As a result, only [about two percent of eligible individuals](#) have obtained an expungement in Maryland. HB 0819 presents an opportunity to course correct.

Low-income people, like MLA's clients, face systemic barriers when accessing court-based relief, and expungement is no different. Many simply cannot afford to pay the filing fees associated with expungements and do not understand how to navigate the fee waiver system. Others cannot afford to pay for childcare to attend court hearings. Employers at low wage jobs are unlikely to give employees paid time off from work to consult with an attorney or attend an expungement hearing, and missing even a day's pay is not an option for people who live paycheck to paycheck. Previously incarcerated individuals may be reluctant to revisit the courtroom. The proposed commission could study these roadblocks and present solutions so that the people who need expungement the most are able to benefit from it.

Maryland's expungement code *seems* straightforward because it contains [a list of specific charges](#) that are eligible for expungement. In practice, this list is a navigational challenge. Almost every year, a bill is introduced to add a new charge to the universe of expungable offenses contained in the list. These changes are well-intentioned; indeed, MLA has supported them. However, they have had an unintended consequence; the expungement statute is incredibly confusing. For example, the offense of trespass is eligible if it occurs on posted property, but not if it occurs on private property. In another example, both felony theft and misdemeanor bad check offenses may be expunged, but a felony bad check charge may not. What is the purpose of these seemingly arbitrary distinctions? That is exactly the type

of thing the commission could study. The commission might suggest adopting a practice that other states employ using an exclusionary list of offenses that are not eligible for expungement, rather than an inclusive one like Maryland's. While this sounds like a minor change, the exclusionary list is much easier to navigate, especially for pro se litigants. Mitigating the need for yearly updates during the legislative session also promotes legislative efficiency. If the status quo continues, each year the legislature will be asked to consider one or more offenses from the [state's charging manual](#), an ever-expanding 400+-page behemoth.

Streamlining Maryland's expungement statute would alleviate resource strain for legal service providers and the court system. Because the current schema is obtuse, pro se litigants are often unsure how to file using the court provided petitions, or they are unable to navigate the court process if a hearing is required. Many of those individuals turn to a legal service provider for help. MLA represented or advised over 2,000 clients on expungements in 2025. The need for expungement assistance far outweighs the ability of MLA and other legal services providers to provide representation. Creating an expungement statute that is more accessible to pro se litigants would let MLA staff focus on the many other legal needs of our clients, like eviction prevention and child custody.

The court system also allocates significant resources to management of expungement dockets. The proposed commission will include a state court administrator who can make recommendations about the impact of expungement on the court system. Since the commission's recommendations are likely to result in more filings, it may seem counter-intuitive to suggest that the court will benefit. However, further clarity around the process should, at the very least, redirect the work from active court dockets into a more streamlined administrative process, especially when paired with the [Clean Slate legislation](#) that the Judicial Proceedings Committee is also considering.

MLA urges a favorable report on HB 0819, so Maryland's expungement statute can be studied, modernized, and centered in principles of equity and accessibility.

If you would like additional information on this bill, or the underlying issues it addresses, please contact Meaghan McDermott, Advocacy Director for Community Lawyering and Development, at mmcdermott@mdl.org.