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## POSITION ON PROPOSED LEGISLATION

**BILL: SB0320 – Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable with Amendments**

**DATE: March 27, 2026**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable with amendments report on SB 320. This Committee previously considered HB 187, and the version that passed the Senate achieves the same purpose, but with language amended for clarity and directness, as well as more logical placement within the statutory structure.

This bill's specific aim is to ensure expungement eligibility for a small number of individuals who are currently barred by a technical glitch, due to the unconventional way that their dispositions were recorded in some Prince George's County courts. More broadly, this bill clarifies that a case whose final disposition was a non-conviction – including a charge that resulted in no finding or was terminated without any findings – is expungable if a *conviction* for that same charge would be. This bill corrects the unintended confusion that resulted when the inflexible designations in current expungement law met with some unfamiliar final dispositions, preventing some individuals from expunging otherwise eligible offenses from their record. OPD supports this bill because its modest, common-sense update will prevent a small number of individuals from having to carry records blemished by accusations which resulted in no court finding – and thus preventing unfounded barriers to employment, education, and housing that can follow from having such unproven accusations remain public.

Over a decade ago, some judges in Prince George's County imposed unique "No Finding" dispositions in some criminal cases. These unconventional designations were intended to avoid a conviction and shield the matters from public record, but they are now having precisely the opposite effect – barring otherwise-eligible individuals from receiving expungement. The root cause lies in

present law, which allows individuals to file a petition for expungement after some specified non-conviction dispositions pursuant to Md. Crim. Proc. § 10-105 or, in the case of “convictions” for certain designated offenses, under Md. Crim. Proc. § 10-110. But the inflexible language of these provisions means that neither one squarely applies to a case with a disposition of “No Finding.”

Senate Bill 320 helps to reduce these complications by confirming that charges which were designated “No Finding” or otherwise terminated without court findings are explicitly included in the § 10-110 scheme and, if otherwise eligible, *can* be expunged.

The aim of this bill ultimately aligns with due process. A cornerstone principle of our justice system is that every defendant is presumed innocent until proven guilty – and in criminal cases, proven guilty beyond a reasonable doubt. The status quo – denying expungement eligibility for a rare group of dispositions which concluded without a court finding, let alone a guilty finding beyond a reasonable doubt – cuts against that spirit and prevents individuals from being able to move forward free from the burden of an unproven allegation.

Reinforcing this bedrock principle is especially critical in the realm of expungement. While we expect that actors within the court system are familiar with the nuances of various dispositions and will not grant an inappropriate level of weight to a non-conviction, that becomes a far less simple or reliable assumption in the court of public opinion. The mere appearance of a charge for “burglary” or “theft” or any other criminal offense in a background check for a job or housing application can spell the end of that request – even when the charge clearly ended in an acquittal. The risk that bias, unwarranted assumptions, or flat-out mistake might irredeemably infect an applicant’s chances of success is even more grave when the final disposition is something far less common but no more indicative of guilt – including the “No Finding” dispositions that this bill targets, which have confounded judicial administration and legislators, let alone members of the general public. The added layers of unfamiliarity and potential confusion that come along with a “No Finding” disposition make it especially important to be clearly included in expungement statutes, so that individuals can move forward with a record free from potential misperceptions.

While OPD supports SB 320 on its own terms, the agency advocates for amending the State’s underlying expungement process to eliminate the issues caused by permitting the “obliteration” of records. Presently, Section 10-101 of the Criminal Procedure Article defines “expungement” as removal from public inspection by any of 3 possible methods: obliteration, removal to a separate

secure area, or partial access. Unfortunately, multiple OPD clients have successfully expunged their records only to find that third-party background checks or federal databases continue to incorrectly flag their prior records. Rather than accurately deducing that the matter was concluded and expunged (and thus should not be included in the report at all), these checks list “no result” or, even more troubling, that it remains a “pending” matter. Impacted individuals can attempt to correct this error and remove themselves from this frustrating purgatory by obtaining a certified record of the case file from the court – however, this becomes impossible in instances of “obliteration.” Until the legislature ends this unintentionally damaging obliteration option, expanding the availability of expungement will also expand the number of individuals who are harmed by having their court records obliterated, rather than sealed and removed from public access. Additionally, OPD encourages the legislature to explicitly codify a right of action allowing any individual to request certified copies of their own court records, whether expunged or not, to protect residents whose background checks continue to erroneously list expunged matters as pending, without burdening petitioners or courts with a time-consuming “good cause” showing and court order requirement.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable with amendments report on SB 320.**

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