

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 362
Criminal Procedure – Expungement - Effect
DATE: January 28, 2026
(3/3)
INFORMATIONAL COMMENT PAPER

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 writes only to note that the bill as currently drafted is broad and could have unintended consequences given the “for all purposes” language. For instance, if the person previously arrested brings a civil lawsuit alleging some actionable claim, this bill would preclude the individual from seeking redress because “for all purposes” that individual must be determined not to have been arrested. Additionally, in a trial against a person for other, non-expungable offenses, the bill could prohibit testimony about an arrest or investigation that may provide necessary context. This bill seems to forbid all testimony on these prior offenses, even when relevant to some other important aspect of a case.

cc. Hon. Robin Grammer
Judicial Council
Legislative Committee
Kelley O'Connor