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JUDGE  
BALTIMORE COUNTY  
CHAIR

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

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 360  
Criminal Procedure – Automated Expungement (Clean Slate Act  
of 2026)  
**DATE:** January 28, 2026  
(3/3)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 360. The Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters, but notes issues of concern with operational and fiscal aspects of the bill as drafted.

The legislation's definition of "disposition" differs from the plain meaning of the word as well as the current standard of "completion of sentence." It is unclear if the intent is to allow for an expungement when a court has disposed of a case in a certain way, as presently drafted, or only after an individual has completed a sentence. As currently drafted, "disposition" could include cases in which a plea has been entered but the sentence has not yet been imposed, such as cases in which an individual failed to appear at a deferred sentencing date and a warrant remains outstanding. The current draft could also encompass cases in which a consecutive sentence was imposed and the individual has not yet served that sentence. Expungement in those instances would allow an individual to avoid serving the sentence legally imposed.

This bill would also have a significant operational impact on the Judiciary. The identification of eligible dispositions would require a manual review by the Judiciary and

the statute does not provide a mechanism to make such eligibility determinations. Clerks are also generally unable to make such legal determinations and, as such, it would require judicial review. This would require an individual judicial review in each instance given the multi-step eligibility determination provided in the legislation. Moreover, the identification process for eligible charges will be complex for any case with more than one charge requiring a multi-point verification on eligible cases due to the exceptions listed in Criminal Procedure section 10-105. Another complexity arises with the need for different reports based on the types of charges involved in a case. For example, if a case contains both criminal charges and a Driving Under the Influence (DUI), the DUI is not eligible for 15 years. Programming would need to evaluate if a DUI exists as a related charge, and then make that the "lead" charge for the sake of expungement.

Further, the bill requires court clerks to perform criminal background checks to determine eligibility for expungement. However, current court clerk systems do not have the capability to conduct these background checks, and no provisions or funding are included to develop or acquire such functionality. This gap makes compliance with the bill's requirements impractical under existing technological infrastructure.

Finally, if this legislation is interpreted to apply to historical charges, this legislation would result in a substantial increase in the number of expungements, which would require additional staffing. While the bill would not require these expungements to be completed until July 1, 2028, if this legislation is interpreted to apply to historical changes, there would be a substantial increase in the number of expungements handled in the both the District Court and circuit courts. The Judiciary would have an immediate need for additional staff to begin working on the expungement process of eligible cases to meet the 2028 deadline. The District Court anticipates that a minimum of 12 new positions and 24 new positions in the circuit court would be needed. The estimated cost of the technology and labor will exceed two million dollars (\$2,000,000.00).

cc. Hon. David Moon  
Judicial Council  
Legislative Committee  
Kelley O'Connor