



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: HB0360 – Criminal Procedure – Automated Expungement (Clean Slate Act of 2026)**

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

**POSITION: Favorable**

**DATE: February 27, 2026**

---

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on HB 360.

Expungement broadens opportunities for education, employment, professional licensing, and housing, helping individuals reintegrate into society, and ultimately reducing recidivism. It also reduces the systemic barriers that arise from racial disparities in the criminal legal system and perpetuate cycles of poverty and marginalization. This bill changes the process of identifying and expunging eligible dispositions. It ensures that individuals are fully benefiting from their existing rights under law, rather than missing out on critical life opportunities based on an old conviction that is ripe for removal. OPD supports this measure to remove confusion and delays from the expungement process and provide eligible defendants with the relief for which they already qualify.

For over a decade, Maryland law has recognized the benefits to individuals and society at large in allowing people to clear the stigma of a criminal disposition off their record. According to the Clean Slate Maryland coalition, at least 407,000 adult residents are eligible under present state law for a full record clearance; however, only 2% of those individuals currently receive expungement relief.

Whether due to confusion, red tape, or lack of knowledge about the processes available, this process is falling far short of its intended reach.

OPD clients regularly ask staff and attorneys about eligibility for expungement, often for old convictions with limited public safety implications. Part of their confusion comes from the difficulty in knowing how to initiate or advance an expungement petition without an attorney, even though that process is meant to be available to all. But another major complication is the complexity of the

statutory scheme itself. The current expungement framework in Criminal Procedure Section 10-110 collects nearly 100 designated offenses which have been added piecemeal over the last decade. The result is a long list of offense numbers with limited logical structure. Many low-level misdemeanors and even traffic offense convictions remain ineligible solely because they have not been specifically added to this list, not due to the severity of the offense nor to any specifically-expressed intent to exclude it from expungement eligibility. To name a few confounding examples: reckless driving, keeping a disorderly house, and trespass by refusal to leave private (or public) property are all presently *not* expungable – while a conviction for trespassing on *posted* property *is* presently expungable. These arbitrary designations foster confusion among attorneys and defendants alike, creating an early hurdle against pursuing affirmative relief, despite actual eligibility under law.

The Clean Slate Act takes guesswork and confusion out of the process and instead creates an automated procedure in which the judiciary will identify all dispositions that are newly eligible for expungement each month, report them to the Department of Public Safety, and then both bodies will expunge those dispositions. To be clear, this bill shifts the *method* of expungement without impacting any of the existing *criteria* for eligibility. So, instead of placing the burden on every defendant to study the intricacies of the legal code and formally request the relief they are due, custodians with expert training and knowledge of the state’s expungement laws will ensure those laws are carried out as written.

It is particularly noteworthy that HB 360 defines “expunge” in this subsection to mean “remove all references to a specified criminal case” from the relevant systems and from public view, without allowing for obliteration of case records or requiring any redactions of case documents or media. OPD believes that this definition strikes the right balance: it removes the matter from public view – and thus eliminates the risk of a misunderstanding or bias concerning the case or disposition – without destroying records. This method preserves a secure, historical copy, just in case an individual needs later access to their own court records when, for example, a federal agency requires a petitioner to submit a certified disposition as part of an immigration petition, or to correct an unanticipated error in a third-party background check. Due to those exigencies, the agency advocates for amending the state’s overall expungement process to more closely mirror HB 360’s definition of “expunge” and eliminate issues that obliteration of records causes today. Presently, Section 10-101 of the Criminal Procedure Article defines “expungement” differently – as removal from public inspection by any of 3 possible methods: obliteration, removal to a separate secure area,

or partial access. Unfortunately, after expungement under the current system, individuals are occasionally flagged by third-party background checks or federal law enforcement systems (including immigration databases) as showing “no result” for a case that followed an arrest or filed charge, and creating an incorrect impression that it remains a “pending” matter – rather than accurately deducing that the matter was concluded and expunged, and thus, should not be included in the report at all. 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.”

As a related protection, OPD also advocates for the General Assembly to explicitly codify a right of action allowing any individual to make a request to courthouse clerks for certified copies of their own court records – whether expunged or not – as a backstop remedy. Permitting this narrow access would help individuals to better understand their own records (and how those records appear to prospective employers or other requesters) and protect residents whose background checks erroneously list matters as pending or as a conviction despite expungement, while still guarding them from broader unauthorized intrusions into their privacy. Courthouse clerks could perform necessary identity confirmations for these requests without burdening petitioners or judges with the present requirements of a separate judicial hearing, “good cause” showing, and court order, simply to receive one’s own records. Without those two further updates to the Maryland expungement laws, OPD is concerned that the benefits of this bill will result in unintended complications and drawbacks.

\*

\*

\*

Shifting the burden of expungement off of individuals and onto trained records custodians is sensible policy – it streamlines the process and prevents many thousands of Marylanders from needing to become experts in expungement law to be granted the benefits to which they are already under law. By removing old criminal dispositions as a source of bias, stigma, and assumptions, the commonsense approach proposed in this bill will improve individual lives – clearing barriers to jobs, professional licenses, public assistance, education, and housing – and benefit the broader community – strengthening families, increasing economic productivity, and boosting equity.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 360.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.  
Authored by: Sean Link, Assistant Public Defender, [sean.link@maryland.gov](mailto:sean.link@maryland.gov)**