



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0169

Criminal Procedure - Expungement of Records - Good Cause

Bill Summary

This bill authorizes a person to file a petition for expungement of any misdemeanor or felony conviction after specified waiting periods following the completion of the sentence, parole, probation, and any other form of mandatory treatment associated with the conviction for which expungement is being requested. A court may grant a petition for expungement filed under the bill following a hearing and after a showing of good cause based on specified factors.

Racial Equity Impact Statement

The bill would allow petitions for expungement of any misdemeanor or felony conviction on the basis of good cause as determined by a court. This could help mitigate the adverse impacts resulting from a conviction such as difficulty obtaining employment, housing, education, licensing, and other government services as a result of a criminal record. There is no data available to measure specific impacts, but national and State data confirm that Black individuals are overrepresented in the criminal justice system and often experience higher rates of unemployment. Individuals with criminal convictions not covered under current expungement rules would benefit to the extent that they take advantage of expungement opportunities offered by the bill's expanded good cause considerations.

Analysis

The bill expands opportunities for expungement by authorizing a person to file a petition for expungement of *any* misdemeanor or felony conviction following specified time periods after the completion of the sentence, parole, probation, and any other form of mandatory treatment associated with the conviction. A court may grant a petition for expungement under the bill on a showing of good cause. The court must consider (1) the nature of the crime; (2) the person's

character and history; (3) the person's risk to public safety; (4) any successful rehabilitation; (5) the amount of time since the conviction; and (6) the impact the charge has on the person's ability to secure employment, education, housing, public assistance, licensing, and opportunities for economic stability. Denials by the court of good cause expungement petitions cannot be appealed and the person may not file a subsequent petition for expungement under this section for the same conviction for at least another three years.

Expungements – Section 10-110 of the Criminal Procedure Article

In general, a person seeking expungement of records pertaining to a criminal charge must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article. With some exceptions, § 10-105 applies to dispositions other than a conviction, and § 10-110 applies to expungements of convictions.

Section 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses, or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements.

While petitioners under both statutes must comply with specified waiting periods, a court is authorized to grant a petition for expungement under § 10-105(c)(9) of the Criminal Procedure Article at any time on a showing of good cause for dispositions other than a conviction.

Units of Charges

Pursuant to § 10-107 of the Criminal Procedure Article, if two or more charges, other than one for a minor traffic violation or possession of cannabis under § 5-601 of the Criminal Law Article, arise from the same incident, transaction, or set of facts, they are considered to be a unit. A charge for a minor traffic violation or possession of cannabis under § 5-601 of the Criminal Law Article that arises from the same incident, transaction, or set of facts as a charge in the unit is not a part of the unit. If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit. This "unit rule" applies to expungements under Title 10, Subtitle 1 of the Criminal Procedure Article (to which the bill is drafted).

Waiting Periods

In general, a petition for expungement under § 10-105 based on an acquittal, a nolle prosequi, or a dismissal may not be filed within three years after the disposition, unless the petitioner files a written waiver and release of all tort claims arising from the charge. A petition based on a probation before judgment may not be filed before the petitioner's discharge from probation or three years after the probation was granted, whichever is later. A petition based on a stet with the requirement of drug or alcohol abuse treatment may not be filed before the petitioner's completion of treatment or three years after the stet was entered on the docket, whichever is later. Otherwise, a petition based on a stet or a compromise may not be filed within three years after the stet or compromise.

Petitions for expungements under § 10-110 are subject to the waiting periods listed below. These waiting periods begin after the sentence has expired, including parole, probation, or mandatory supervision:

- misdemeanor (general): 5 years;
- felony (general), second-degree assault, or common law battery: 7 years;
- domestically related crime (§ 6-233 of the Criminal Procedure Article): 15 years;
- possession with intent to distribute cannabis: 3 years; and
- burglary in the first degree (breaking and entering – theft), burglary in the second degree, or felony general theft: 10 years.

Good Cause Exception

As noted above, with some exceptions, § 10-105 applies to dispositions other than a conviction, and § 10-110 applies to expungements of convictions. While petitioners under both statutes must comply with specified waiting periods, a court is authorized to grant a petition for expungement filed under § 10-105(c)(9) at any time on a showing of good cause. However, the Court of Special Appeals (now the Appellate Court of Maryland) held that this “good cause” provision addresses a court’s authority to grant a petition for expungement outside the statutory time requirements when all other eligibility criteria have been met. Determinations of good cause are at the discretion of the court.

Collateral Consequences of a Criminal Record

Expungement, in general, is intended to help mitigate the adverse consequences of having a criminal record, which can last beyond imprisonment, fines, and the legal process and can include the denial of civil opportunities and benefits available to a person due to their record. Specifically, having a criminal history can adversely affect employment prospects which can further influence an individual’s level of income, housing opportunities, and access to quality health care.

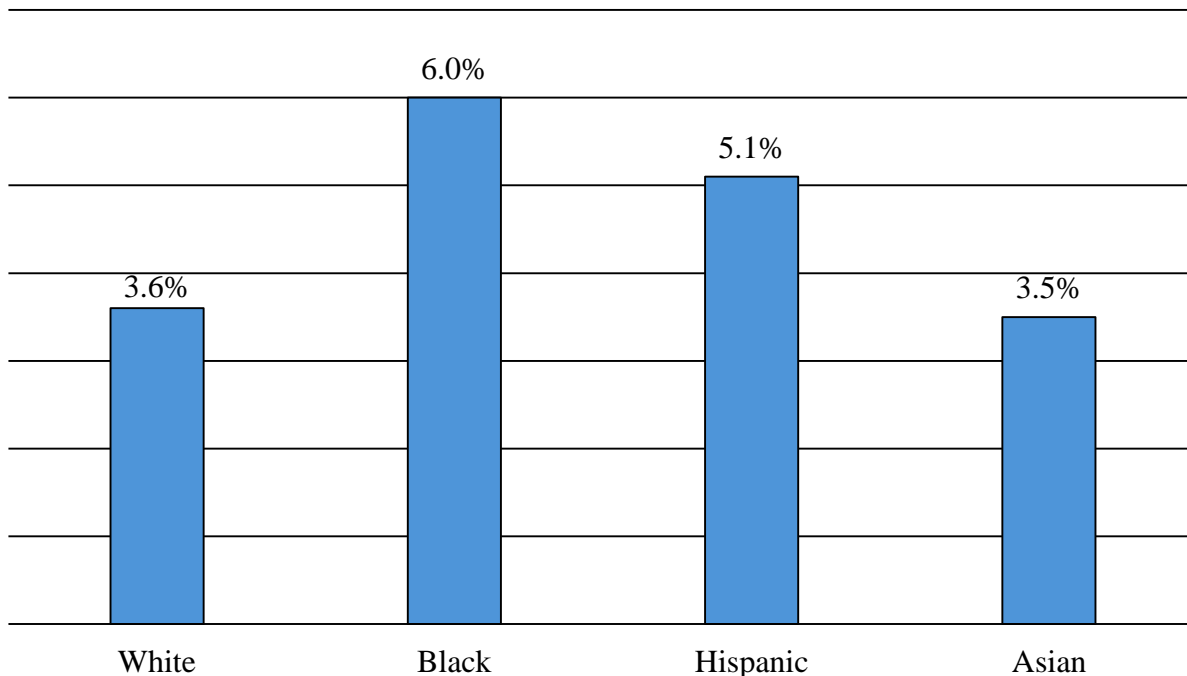
Employment is key to stable housing and homeownership and a variety of State and national data shows that higher incomes can lead to the stability and consistency necessary to accumulate the various upfront resources needed to buy a home. Monetary savings for down payments and good credit scores are necessary to achieve initial homeownership and are largely driven by an individual’s employment status and level of income. Employment also often dictates one’s access to health care. Certain jobs do not offer health insurance benefits and access to jobs with such benefits may be restricted by an attachment to a criminal record. A criminal record can therefore impose significant barriers to upward socioeconomic mobility.

Impacts of the Bill

According to the Administrative Office of the Courts, there were 46,251 petitions for expungement in Maryland’s circuit courts and the District Court in fiscal 2023, 54,069 petitions in fiscal 2024, and 60,527 petitions in fiscal 2025, showing sizable and incremental increases from the 38,448 expungement petitions in fiscal 2022 following the legislative expansion of eligibility for expungement. There is currently no demographic data available that indicates the racial and ethnic composition of individuals impacted by expungement.

National and State data consistently show that racial minorities experience disproportionate levels of adversity in the areas of life affected by a criminal record. National studies have found that there is a significant negative effect of having a criminal record on employment outcomes that appears substantially larger for Black individuals. **Exhibit 1** shows that in 2024, the unemployment rate in Maryland by race and ethnicity was highest among Black job seekers in the State.

Exhibit 1
Unemployment Rate in Maryland by Race and Ethnicity
2024



Source: Bureau of Labor Statistics

The Department of Public Safety and Correctional Services reports that, as of January 1, 2026, Black individuals made up 71% of Maryland’s prison population, compared to their 30% share of the State’s overall population.

The bill’s good cause expungement provisions will likely impact Black individuals to a greater extent, as these individuals are overrepresented in charges, arrests, and incarceration for many crimes at a disproportionately high rate, making them also disproportionately affected by the collateral consequences of criminal records, which are specifically taken into consideration under the good cause process.

Conclusion

The bill's provisions expanding opportunities for expungement and good cause criteria will enable successful applicants to refrain from disclosing certain convictions that may prevent them from achieving employment and all the ancillary benefits and opportunities that come with it, such as improved housing and health care opportunities. The provisions of the bill will likely impact Black individuals to a greater extent as these individuals are incarcerated at disproportionately high rates in Maryland. The exact equity impacts of the bill cannot be estimated without additional data, including historical demographic data on expungement applicants, individuals eligible for expungement under the bill, and prospective employment data for individuals with expunged records. Additionally, future equity analysis may benefit from the disclosure of demographic data of those granted expungement on the grounds of showing good cause.

Information Sources: U.S. Census Bureau; Department of Public Safety and Correctional Services; Governor's Office of Crime Prevention and Policy; Administrative Office of the Courts; Economic Policy Institute; Bureau of Labor Statistics; Department of Legislative Services

Analysis by: Dr. Mikaela Zimmerman

Published: 03/03/2026

Appendix – Maryland Demographics

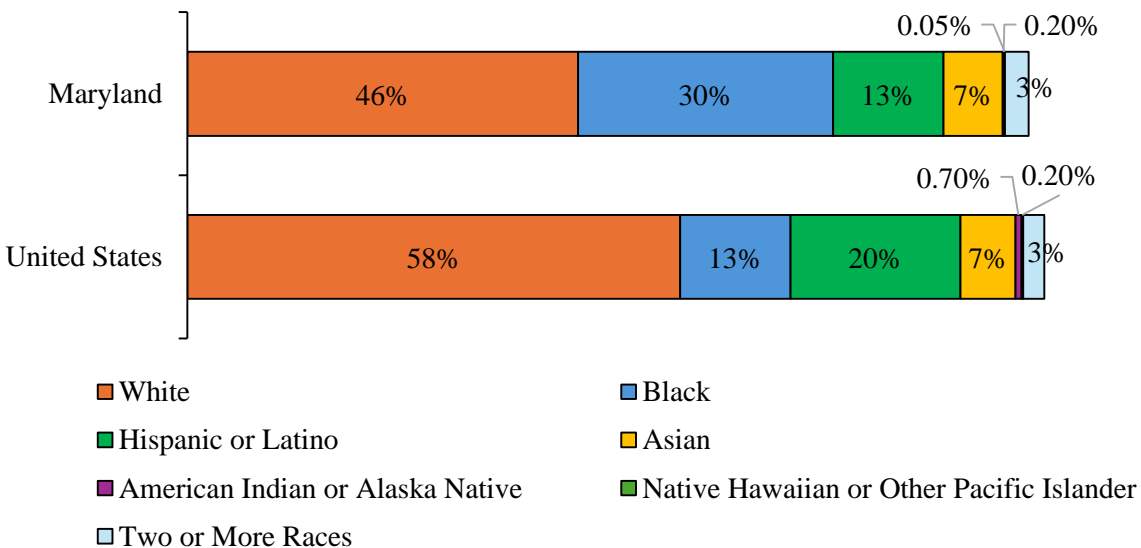
Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)