RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0187

Criminal Procedure - Expungement - No Finding and Case Terminated Without Finding

Bill Summary

This bill expands eligibility for an expungement under § 10-110 of the Criminal Procedure Article to include a charge that was not disposed of by unequivocal conviction but was instead (1) disposed of by the court with a no finding designation or (2) included in a case that was designated by the court as having been terminated without finding.

Racial Equity Impact Statement

The bill's expansion of expungement eligibility could help mitigate the adverse impacts resulting from a criminal record, such as difficulty obtaining employment, housing, education, licensing, and other government services. The Judiciary advises that it is unclear what case dispositions the bill applies to, so there is no data available to measure specific impacts. However, 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 can take advantage of expungement opportunities offered by the expanded eligibility provisions of the bill.

Analysis

The bill expands opportunities for expungement by authorizing a person to file a petition to expunge specified misdemeanor or felony charges that were included in a case that was disposed of with no finding or designated by the court as terminated without a finding.

Expungements

Other than specified court-initiated expungements under § 10-105.1 of the Criminal Procedure Article, to begin the process of expungement, a petitioner must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article, which establishes eligibility for the expungement of records pertaining to a criminal charge or conviction. With some exceptions, § 10-105 applies to dispositions other than a conviction, and § 10-110 applies to expungements of convictions.

Expungement of a court or police record means removal from public inspection:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

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 §§ 10-105 and 10-110.

Section 10-105 of the Criminal Procedure Article

Under § 10-105 of the Criminal Procedure Article, a person who has been charged with the commission of a crime for which a term of imprisonment may be imposed or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State, under various circumstances listed in the statute. With specified exceptions, these grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, stet of charge, and gubernatorial pardon. Individuals convicted of a crime that is no longer a crime, convicted of possession of cannabis under § 5-601 of the Criminal Law Article, convicted of or found not criminally responsible for specified public nuisance crimes or specified misdemeanors, or who had a conviction vacated due to being a victim of human trafficking (as defined in statute), are also eligible for expungement of the associated criminal records under certain circumstances.

Section 10-110 of the Criminal Procedure Article

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.

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.

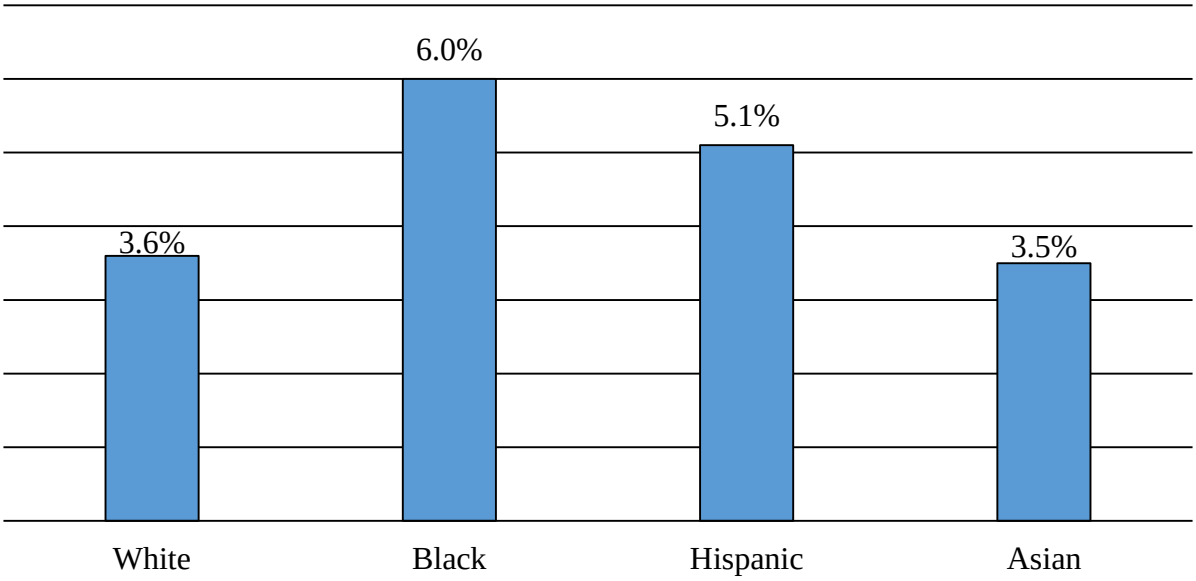
Employment is key to stable housing and homeownership and a variety of State and national data shows that higher incomes can lead to the stability and consistency necessary to accumulate the various upfront resources needed to buy a home. Monetary savings for down payments and good credit scores are 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, ~~and~~ 54,069 petitions in fiscal 2024, and 60,527 petitions in fiscal 2025, showing~~which are~~ 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

Black individuals also make up a disproportionate share of the State's incarcerated population. The Department of Public Safety and Correctional Services reports that Black inmates are 71% of Maryland's prison population contrasted with the Black share of the State's overall population of 30%.

The bill's expungement provisions for the specified cases 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. However, the Judiciary advises that because it is not familiar with the terminology referenced in the bill and its case management system does not use this terminology, it cannot estimate the impacts of the bill on expungement filing activity and court workloads. Assuming the bill applies to a small and unique group of dispositions, the overall impacts of its provisions are likely limited.

Conclusion

The bill's provisions expanding opportunities for expungement will enable successful applicants to refrain from disclosing certain convictions and contacts 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 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 clarity on what case dispositions the bill applies to, as the Judiciary advises that the case dispositions referred to in the bill are not used in its case management system. Additionally, historical demographic data on expungement applicants, individuals eligible for expungement under the bill, and prospective employment data for individuals with expunged records would be needed to assess specific impacts.

Information Sources: U.S. Census Bureau; Department of Public Safety and Correctional Services; Administrative Office of the Courts; Bureau of Labor Statistics; Department of Legislative Services

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Appendix – Maryland Demographics

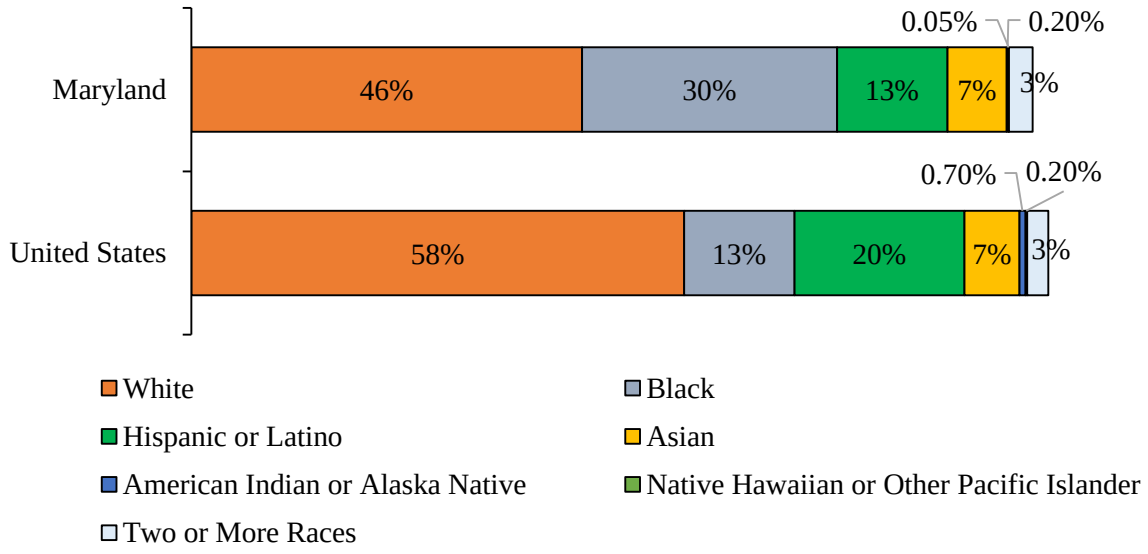
Race and Ethnicity of the Maryland Population

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