



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0360

Criminal Procedure - Automated Expungement (Clean Slate Act of 2026)

Bill Summary

This bill requires the Judiciary and the Department of Public Safety and Correctional Services (DPSCS) to expunge all cases meeting specified criteria by July 1, 2028, and newly eligible cases on a monthly basis thereafter.

Racial Equity Impact Statement

The bill will likely increase the overall number of expungements for various misdemeanors and felonies as specified under the bill's automatic expungement provisions. Overall, the bill's provisions increase access to expungements for various offenses and strengthen protections surrounding disclosure of expungements. This will be helpful to impacted individuals in obtaining employment and other related benefits. National and State data show significant negative effects of a criminal record on employment outcomes, and while data is not available to measure the specific extent of these impacts, Black individuals could benefit the most from the bill as they are significantly overrepresented in the criminal justice system. Specific impacts would require demographic data related to expungement petitions, which are not readily available.

Analysis

The bill establishes an automatic expungement process for specified misdemeanors and felonies, requiring the expungement of all eligible cases by July 1, 2028, and on a monthly basis for newly eligible cases thereafter. "Expunge" means to (1) remove all references to a specified criminal case from the Central Repository within DPSCS and (2) remove from public view all electronic court

records relating to the case, without needing to redact physical or electronic documents, recordings, or audio or visual media.

The bill mandates expungement of all charges and dispositions meeting the following criteria:

- all charges or dispositions in the case are listed as eligible for expungement under § 10-105(a) of the Criminal Procedure Article;
- the case is eligible under the “unit rule”; and
- at least three years have passed since the date of the disposition of the case.

The bill also mandates the expungement of misdemeanor convictions meeting the following criteria:

- any convictions in the case are misdemeanor convictions that are listed as eligible for expungement under § 10-110(a) of the Criminal Procedure Article, other than second-degree assault and any charge marked in electronic court records as a “domestically related crime” under § 6-233 of the Criminal Procedure Article;
- the case is eligible for expungement under the unit rule;
- the person is not a defendant in a pending criminal proceeding;
- all convictions in the unit are eligible for expungement under § 10-110; and
- at least seven years have passed since the disposition of the case, except that if the person is convicted of a new crime during the seven-year period, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement.

Expungements Generally

Specifically, § 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. With some exceptions, 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. In general, § 10-110 applies to expungements of convictions, and § 10-105 applies to the expungement of criminal charges that resulted in a disposition other than a conviction.

Expungement of a court or police record means removal from public inspection (1) by obliteration; (2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or (3) 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 Title 10, Subtitle 1 of the Criminal Procedure Article (to which the bill is drafted).

Automatic Expungements

Pursuant to Chapter 680 of 2021, beginning October 1, 2021, any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of a civil offense under § 5-601(c)(2)(ii) (related to possession of cannabis) of the Criminal Law Article or a crime other than a violation of the Transportation Article for which the defendant is not required to appear, must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than acquittal; dismissal; not guilty; or *nolle prosequi*, other than *nolle prosequi* with a requirement of drug or alcohol treatment.

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. There is currently no demographic data available that indicates the racial and ethnic composition of individuals impacted by expungement.

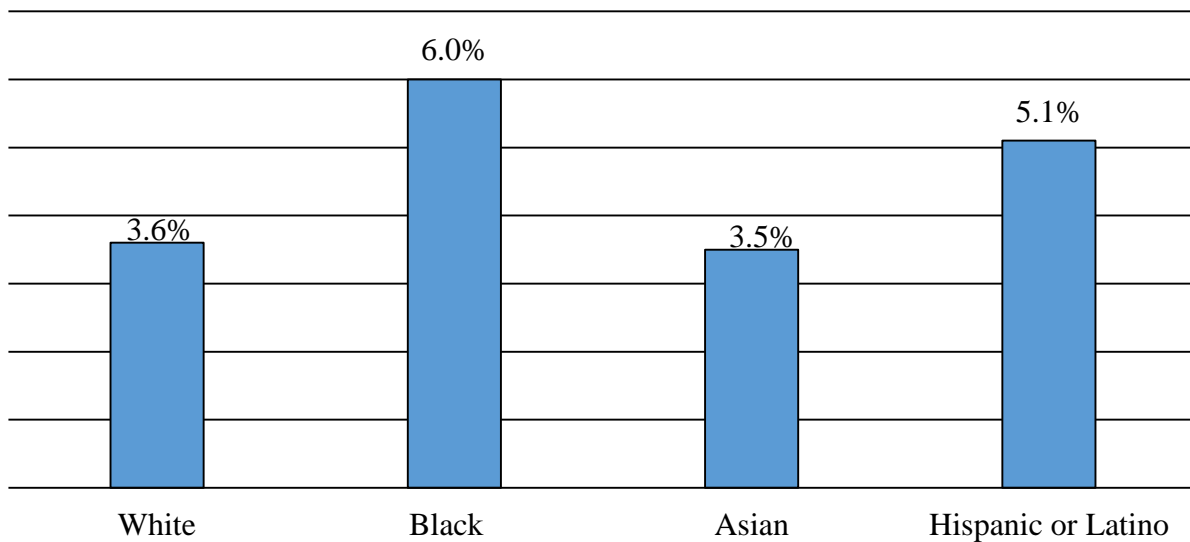
The provisions of the bill will likely impact Black individuals to a greater extent as these individuals are incarcerated at disproportionately high rates in Maryland. DPSCS reports that, as of January 2026, Black individuals made up 71% of Maryland’s prison population contrasted with their 30% share of the State’s overall population. Because they represent a disproportionate share of the charged, arrested, convicted, and incarcerated population, it is a reasonable assumption that Black individuals comprise a meaningful portion of the population with expungement-eligible records.

Expungement 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 show 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.

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

Conclusion

The bill's provisions will generally encourage all the ancillary benefits and opportunities that come with expungement of court records, such as increased access to employment, housing, and health care opportunities. Black individuals will be impacted to a greater extent given the disproportionate number of Black individuals arrested, charged, and convicted in the State's criminal justice system. The exact equity impacts of the bill cannot be estimated, however, without additional historical demographic data on expungement applicants, individuals eligible for expungement under the bill, and prospective employment data for individuals with expunged records.

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

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Appendix – Maryland Demographics

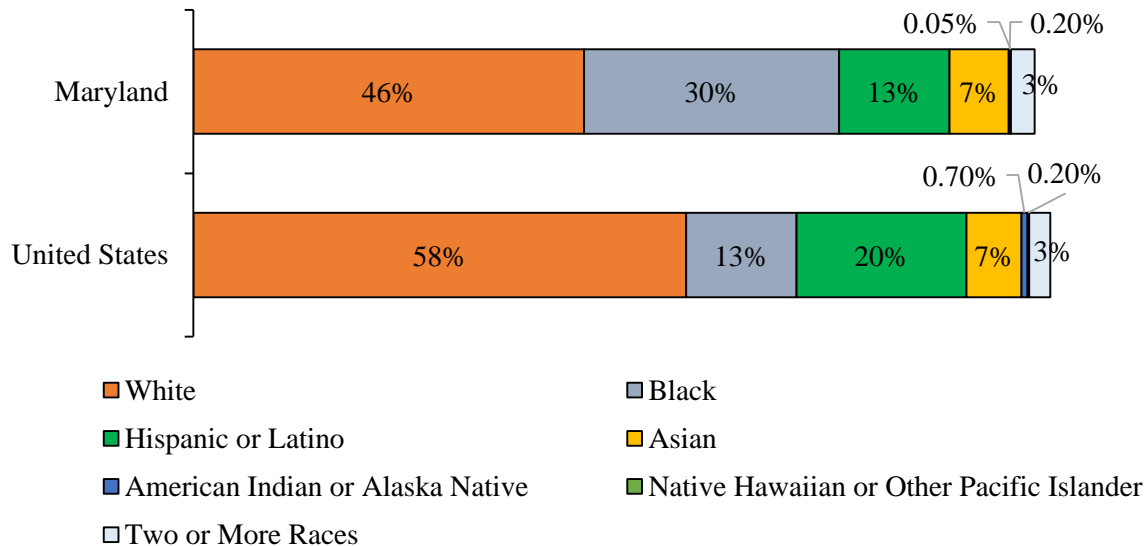
Race and Ethnicity of the Maryland Population

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