



2026 Session
HB0397

Criminal Procedure - Expungement - Failure to Obey a Court Order to Report to Confinement

Bill Summary

This bill expands § 10-110 of the Criminal Procedure Article to authorize a person to file a petition for expungement of a conviction under § 9-405(a)(2) of the Criminal Law Article for escape in the second degree – failure to obey a court order to report to a place of confinement – after a certain amount of time has passed following the completion of the sentence.

Racial Equity Impact Statement

Those eligible under the bill for expungement of a second-degree escape conviction for failure to obey a court order to report to a place of confinement would benefit to the extent that expungement may help reduce the effects of collateral consequences of a criminal record. A detailed impact analysis cannot be performed without demographic data for those convicted of the violation outlined in the bill. Black individuals, however, may see the largest impact due to their disproportionate representation in the State’s criminal justice system, but the overall impact is likely minimal due to the relatively small number of individuals convicted for this offense.

Analysis

A person is prohibited from knowingly failing to obey a court order to report to a place of confinement under § 9-405(a)(2) of the Criminal Law Article. “Place of confinement” means a correctional facility, a facility of the Maryland Department of Health, or any other facility in which a person is confined under color of law, including home detention. It does not include a juvenile detention center or other specified juvenile facilities. Also known as escape in the second degree, violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a

maximum fine of \$5,000. The bill allows an individual to file a petition for expungement of a conviction for this offense.

Collateral Consequences of a Criminal Record

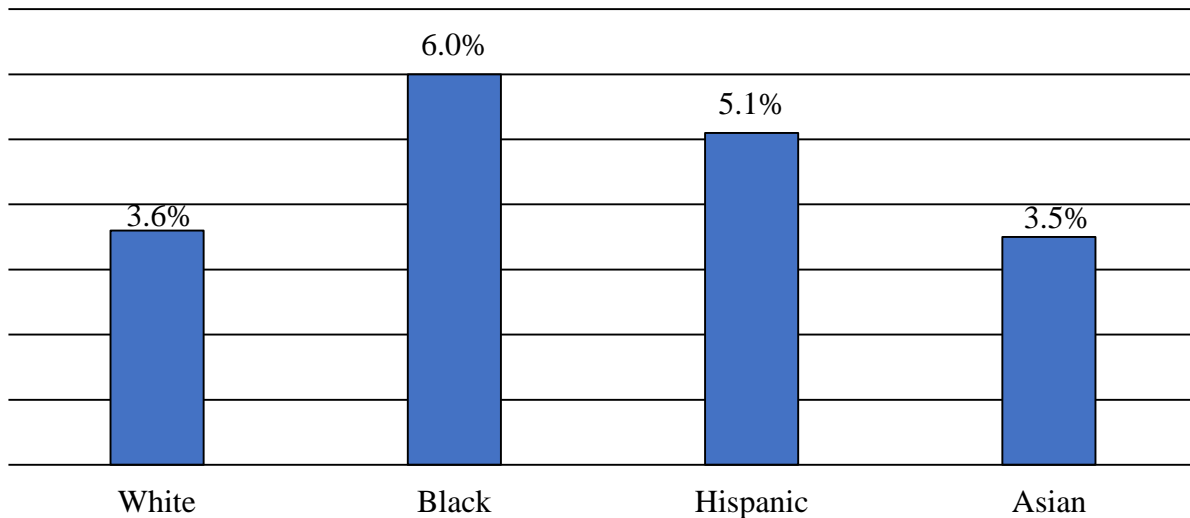
Expungement is intended to help mitigate the adverse consequences of having a criminal record, which can last beyond imprisonment, fines, and the legal process and can include the denial of civil opportunities and benefits available to a person due to their record. Specifically, having a criminal history 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.

Impacts of the Bill

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. The Department of Public Safety and Correctional Services reports that for fiscal 2025, Black individuals made up 71% of Maryland's prison population contrasted with their 30% share of the State's overall population. **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: U.S. Bureau of Labor Statistics

Despite the lack of available data regarding those convicted of second-degree escape, the bill's provisions would be expected to yield positive outcomes for those who are able to expunge their criminal records.

Conclusion

Allowing for the filing of expungement petitions as specified under the bill could alleviate some of the negative consequences of having a criminal record for those convicted of escape in the second degree. Demographic data of those convicted of failure to obey a court order to report to confinement is not available, but the relatively small number of individuals charged and convicted of this violation suggests that the bill's impacts would be positive for those individuals but minimal overall. According to the Judiciary, there were 35 convictions in the State's trial courts for second-degree escape in fiscal 2024 and 46 convictions for this offense in fiscal 2025. Black expungement applicants may see the most impact to the extent they are convicted of this violation at higher rates, which their overall overrepresentation in the State's criminal justice system suggests may be the case.

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

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Published: 03/03/2026

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Appendix – Maryland Demographics

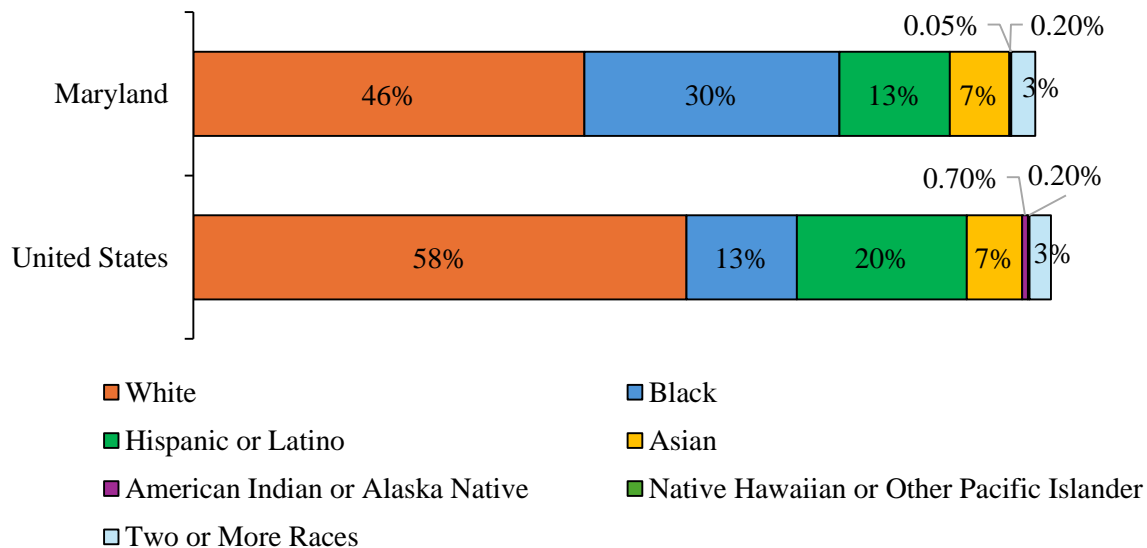
Race and Ethnicity of the Maryland Population

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, 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)