

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 499
Judiciary

(The Speaker, *et al.*) (By Request - Administration)

Criminal Records - Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)

This Administration bill (1) alters various statutory provisions relating to waiting periods for the filing of a petition to expunge a conviction under §§ 10-105 or 10-110 of the Criminal Procedure Article; (2) expands the list of misdemeanor convictions eligible for expungement under § 10-110; (3) expands the factors a court must consider for an expungement under § 10-110; and (4) prohibits the Maryland Judiciary Case Search from referring in any way to a charge resulting in *nolle prosequi* with required drug or alcohol treatment, a charge marked “stet” on the docket at least three years previously, and charges of possession of cannabis (in a case with electronic records) if the charge resulted in a conviction that was later pardoned by the Governor. **The provisions regarding Maryland Judiciary Case Search take effect January 1, 2026; otherwise, the bill takes effect October 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$23,800 in FY 2026 for one-time computer programming. General fund expenditures for the Judiciary and the Department of Public Safety and Correctional Services (DPSCS) may also increase minimally to the extent that an increase in expungement petitions necessitates additional staff, as discussed below. General fund revenues increase minimally from filing fees.

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Bill Summary/Current Law:

Eligibility for Expungements – Waiting Periods (Effective October 1, 2025)

Under current law, 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. A State’s Attorney may file a timely objection to the petition for expungement, as specified.

Under current law, petitions for expungement under §§ 10-105 and 10-110 are subject to specified waiting periods. Statute in the affected provisions generally refers to the *satisfactory* completion of the sentence as the beginning of the waiting period. The bill replaces these references with “completion of the sentence.” “Completion of the sentence” is defined as the time when a sentence has expired, including any period of probation, parole, or mandatory supervision.

For example, with respect to § 10-105, the bill makes the following changes:

- Conviction for specified public nuisance crimes:
 - *Current Waiting Period:* Three years after the conviction or *satisfactory* completion of the sentence, including probation, that was imposed for the conviction, whichever is later.
 - *Under the Bill:* Three years after the “completion of the sentence.”
- Conviction for possession of cannabis under § 5-601 of the Criminal Law Article:
 - *Current Waiting Period:* After the *satisfactory* completion of the sentence, including probation, that was imposed for the conviction.
 - *Under the Bill:* After the “completion of the sentence.”

Similarly, under current law, the waiting periods under § 10-110 (as shown below) begin after the petitioner *satisfies* the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision. Under the bill, these waiting periods begin after “completion of the sentence.”

- 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.

Under § 10-110, if the person is convicted of a new crime during the applicable waiting period, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement. Also, a person is not eligible for expungement under §§ 10-105 or 10-110 if the person is a defendant in a pending criminal proceeding.

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.

Expansion of Convictions Eligible for Expungement Under § 10-110 (Effective October 1, 2025)

Under current law, § 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. An itemized list of convictions eligible for expungement under § 10-110 is shown in the **Appendix – Convictions Eligible for Expungement**.

The bill expands eligibility for expungement under § 10-110 to include convictions for the following misdemeanor offenses:

- § 8-204 (credit card theft), § 8-610 (counterfeit prescriptions), § 9-408 (resisting or interfering with an arrest), § 9-501 (false statement to a law enforcement officer), and § 9-502 (false statement when under arrest) of the Criminal Law Article; and
- § 16-101 of the Transportation Article (driving without a license).

Although the bill also adds § 8-106 of the Criminal Law Article to the aforementioned list, § 8-106 specifies the *classification* and *penalties* (based on the value of the property or services) for charges filed under § 8-103 of the Criminal Law Article (obtaining property or services by bad check). Convictions under § 8-103 are already eligible for expungement.

Factors Courts Must Consider for Expungements Under § 10-110 (Effective October 1, 2025)

Under current law, for expungements under § 10-110, the court must order the expungement of all police records and court records about the charge after a hearing, if the court finds and states on the record (1) that the person and conviction are eligible for expungement under specified statutory provisions; (2) that giving due regard to the nature of the crime, the history and character of the person, and the person's success at rehabilitation, the person is not a risk to public safety; and (3) that an expungement would be in the interest of justice.

The bill adds the person's success at court-ordered probation as a required consideration when evaluating the petitioner's risk to public safety. The bill also requires the court to make a finding on the record that the person has paid any monetary restitution ordered by the court in the original proceeding or does not have the ability to pay the restitution.

Maryland Judiciary Case Search (Effective January 1, 2026)

Under current law, the Maryland Judiciary Case Search may not in any way refer to the existence of records of a charge in a case with electronic records if the charge resulted in acquittal; dismissal; or *nolle prosequi*, except *nolle prosequi* with the requirement of drug or alcohol treatment. Pursuant to Chapter 26 of 2022, the Maryland Judiciary Case Search may not in any way refer to the existence of a criminal case in which possession of cannabis under § 5-601 of the Criminal Law Article is the only charge in the case and the charge was disposed of before July 1, 2023.

By removing an existing exception, the bill prohibits Maryland Judiciary Case Search from referring in any way to electronic records for charges resulting in a disposition of *nolle prosequi* with the requirement of drug or alcohol treatment. The bill also prohibits Maryland Judiciary Case Search from referring in any way to electronic records for (1) a charge marked "stet" on the docket at least three years previously and (2) charges of possession of cannabis (in a case with electronic records) if the charge resulted in a conviction that was later pardoned by the Governor.

Background:

2022 Court Decision

In 2022, the Court of Special Appeals (now the Appellate Court of Maryland), held that the Circuit Court for Montgomery County properly denied a petition to expunge a 2008 conviction for theft under \$500 when the petitioner was sentenced to supervised probation for his conviction, subsequently violated his probation, and then served a

four-day sentence for the probation violation. According to the Court of Special Appeals, even though the petitioner completed his sentence for the probation violation, because the petitioner was originally sentenced to probation and violated that probation (resulting in an unsatisfactory closing of the probation), the petitioner did not *satisfy* his original sentence. *In re Expungement Petition of Abhishek I.*, 255 Md. App. 464 (2022).

Pardoned Cannabis Convictions

On June 17, 2024, Governor Wes Moore issued an executive order pardoning 175,000 Maryland convictions for cannabis possession, including convictions for misdemeanor possession of cannabis and certain convictions for misdemeanor possession of drug paraphernalia. More than 150,000 of the pardoned convictions were for misdemeanor cannabis possession and more than 18,000 of the pardoned convictions were for misdemeanor use or possession with intent to use drug paraphernalia.

In lieu of the traditional expungement application process, the Governor asked the Maryland Judiciary to identify and compile a list of electronically available case records for convictions based on conduct that occurred prior to January 1, 2023. The executive order indicated that the Judiciary will make electronic notations regarding the pardoned convictions in each identified electronically available case record. The order also directed DPSCS to develop a process to indicate the pardoned convictions on criminal background checks.

State Revenues: General fund revenues increase minimally from filing fees for expungement petitions. The Judiciary charges a \$30 fee to file a petition to expunge a conviction. Fee waivers are available for financial hardship.

State Expenditures:

Judiciary

General fund expenditures for the Judiciary increase by \$23,824 in fiscal 2026 for one-time computer programming changes to facilitate the removal of references on Case Search in accordance with the bill. Depending on the volume of petitions for expungement received under the bill's expanded eligibility, general fund expenditures *may* increase minimally for additional clerks to process petitions. **Exhibit 1** contains information on the number of petitions filed in the District Courts and the circuit courts from fiscal 2021 through 2024.

Exhibit 1
Petitions for Expungement
Fiscal 2021-2024

	<u>District Court</u>	<u>Circuit Courts</u>
Fiscal 2021	39,061	5,940
Fiscal 2022	32,874	5,574
Fiscal 2023	38,563	7,688
Fiscal 2024	44,673	9,396

Source: Maryland Judiciary

The increase in filed petitions resulting from the bill cannot be reliably determined at this time but is likely to be higher in the initial years (as individuals with eligible older convictions file applications) and then stabilize over time. However, given that driving without a proper license is by far the most common of the convictions affected by the bill (as noted in **Exhibit 2**), this estimate assumes that any *potential* increase in judicial staffing expenditures is likely to be minimal. Given the nature of this traffic-related offense, unless an individual is facing hardship because of the conviction (*e. g.*, reduced job opportunities) or has another (more serious) disposition that is currently ineligible because of the conviction, some individuals with older convictions for driving without a proper license may not be inclined to petition for expungement. DLS also notes that driving without a proper license is mostly prosecuted in the District Court, where the Judiciary’s expungement operations are more centralized. *For illustrative purposes only*, the cost associated with employing a court clerk is approximately \$73,000 annually.

Department of Public Safety and Correctional Services

General fund expenditures may increase minimally for DPSCS to process expungement orders under the bill. DPSCS advises generally that the Criminal Justice Information System (CJIS) requires one additional administrative employee for every 2,500 additional orders for expungement it receives. However, DLS notes that CJIS has been routinely accommodating workloads beyond the 2,500-caseload standard. Any additional clerical resources that *may* be needed cannot be reliably determined at this time and depend on the number of expungement orders issued by courts under the bill; however, any *potential* additional staffing needs are assumed to be minimal. *For illustrative purposes only*, the cost associated with hiring one administrative employee is approximately \$61,300 in fiscal 2026 and \$80,600 in fiscal 2030.

Exhibit 2
Expungement Eligibility – Convictions for Added Offenses
Fiscal 2022-2024

District Court	Convictions		
	FY 2022	FY 2023	FY 2024
Criminal Law Article § 8-204 Credit Card Theft	45	37	40
Criminal Law Article § 8-610 Counterfeit Prescriptions	4	4	2
Criminal Law Article § 9-408 Resisting Arrest	206	202	243
Criminal Law Article § 9-501 False Statement to Law Enforcement	76	65	51
Criminal Law Article § 9-502 False Statement under Arrest	29	31	37
Transportation Law Article § 16-101 Driving without Proper License and Authorization	2,611	3,770	4,094
Circuit Courts	Convictions		
	FY 2022	FY 2023	FY 2024
Criminal Law Article § 8-204 Credit Card Theft	28	52	27
Criminal Law Article § 8-610 Counterfeit Prescription	6	7	6
Criminal Law Article § 9-408 Resisting Arrest	119	137	127
Criminal Law Article § 9-501 False Statement to Law Enforcement	23	28	30
Criminal Law Article § 9-502 False Statement under Arrest	10	13	12
Transportation Law Article § 16-101 Driving without Proper License and Authorization	363	431	409

Source: Maryland Judiciary

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 432 (The President, *et al.*) (By Request - Administration) - Judicial Proceedings.

Information Source(s): Baltimore County; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Maryland State Archives; Governor's Office; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2025
js/jkb

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Convictions Eligible for Expungement

Convictions Eligible for Expungement under Section 10-110 of the Criminal Procedure Article

Misdemeanors Eligible for Expungement

Alcoholic Beverages and Cannabis Article

AB, § 6-320 – Disorderly Intoxication

Business Occupations and Professions Article

BOP, § 17-613(a): Crimes relating to real estate brokers and agents (*e.g.*, failure to deposit money in trust accounts, engaging in discriminatory real estate practices, acting as a dual agent, providing brokerage services without a license, etc.)

Business Regulation Article

BR, § 5-610: Violation of Business Regulation Article, Title 5, Subtitle 6 (perpetual care of cemeteries)

BR, § 5-712: Failure to deposit money received under or in connection with a preneed burial contract

BR, § 5-904: Violation of any provision of Title 5, Subtitle 9 of the Business Regulation Article (cemetery-related violations – failure to register as operator, operating a cemetery without the proper form of business entity, and unauthorized representations)

BR, § 19-304: Violations of laws relating to returnable containers and returnable textiles (improper use, improper registration, defacing, etc.)

BR, § 19-308: Violations of laws relating to plastic secondary packaging

Courts and Judicial Proceedings Article

CJ, § 3-1508: Failure to comply with a peace order

CJ, § 10-402: Divulging contents of communications (subsection (d))

Commercial Law Article

CL, § 14-1915: Violations of the Maryland Credit Services Businesses Act

CL, § 14-2902: False and fraudulent advertising

CL, § 14-2903: Bait and switch

Criminal Procedure Article

CP, § 5-211: Failure to surrender after forfeiture of bail or recognizance

Criminal Law Article

CR, § 3-203: Assault in the second degree (misdemeanor)

CR, § 3-808: Filing a fraudulent lien or encumbrance

CR, § 5-601: Possession or administration of a controlled dangerous substance (not involving use or possession of cannabis)

CR, § 5-602(b)(1): Possession with intent to distribute cannabis

CR, § 5-618: Possession or purchase of noncontrolled substance that the person reasonably believes is a controlled substance

CR, § 5-619: Use or possession of drug paraphernalia

CR, § 5-620: Obtaining, possessing, or distributing controlled paraphernalia

CR, § 5-703: Unsolicited mailing of a controlled dangerous substance, prescription drug, or medicine

CR, § 5-708: Smelling or inhaling harmful substances

CR, § 5-902: Omitting, removing, altering, or obliterating a symbol required by federal law for a substance governed by Title 5 of the Criminal Law Article (controlled dangerous substance prescriptions, and other substances); refusal or failure to maintain specified documentation required under Title 5; refusing entry into a premises or inspection of a premises authorized under Title 5), maintaining a place resorted to by others for illegal use of controlled dangerous substance or for the keeping or selling of a controlled dangerous substance; unauthorized manufacturing, dispensing, or distribution of controlled dangerous substance by a registrant; controlled dangerous substance/paraphernalia-related violations by authorized provider; and contraband

CR, § 6-105: Malicious burning of personal property in the second degree

CR, § 6-108: Willful and malicious burning of a trash container

CR, § 6-205: Fourth-degree burglary

CR, § 6-206: Breaking and entering a motor vehicle – rogue and vagabond

CR, § 6-301: Malicious destruction of property

CR, § 6-303: Public utility interference – electrical equipment

CR, § 6-306: Alteration of manufacturer's serial number or sale of good with altered serial number

CR, § 6-307: Sale or possession of stolen serial number or vehicle identification plate or possession of a manufactured serial number or vehicle identification plate with intent to affix to stolen property or use for fraudulent purposes

CR, § 6-402: Trespass on posted property

CR, § 6-503: Unauthorized riding on railroad vehicle or unauthorized entry onto railroad property

CR, § 7-104: General theft (less than \$100 and at least \$100 but less than \$1,500)

CR, § 7-203: Unauthorized removal of property
CR, § 7-205: Abandonment of or failure to return leased or rented motor vehicle
CR, § 7-304: Obtaining telephone records without authorization
CR, § 7-308: Prohibited transfer of recorded sounds or images (penalty contained in CR, § 7-309)
CR, § 8-103: Obtaining property or services by bad check (less than \$100 and at least \$100 but less than \$1,500)
CR, § 8-206: Misdemeanor credit card crimes (less than \$100 and at least \$100 but less than \$1,500)
CR, § 8-401: Fraudulent conversion of partnership assets
CR, § 8-402: Fraudulent misrepresentation by corporate officer or agent
CR, § 8-404: Pyramid promotional schemes
CR, § 8-406: Misuse of documents of title
CR, § 8-408: Unlawful subleasing of motor vehicle
CR, § 8-503: Public assistance fraud – generally
CR, § 8-521: Fraudulently obtaining legal representation from the Office of the Public Defender
CR, § 8-523: Housing assistance fraud, making false statements
CR, § 8-904: Racing a horse under a name other than its registered name
CR, § 9-204: Bribing a person participating in or connected with an athletic contest
CR, § 9-205: Acceptance of a bribe by a person participating in or connected with an athletic contest
CR, § 9-503: Making a false statement to a State or local official/agency concerning a crime or hazard
CR, § 9-506: Making a false statement on an application for funds from the Maryland Higher Education Commission
CR, § 10-110: Illegal Dumping and Violation of Litter Control Law
CR, § 10-201: Disturbing the peace and disorderly conduct
CR, § 10-402: Unlawful removing or attempting to remove human remains from burial site
CR, § 10-404: Removal or destruction of funerary objects, graveyard plants, disorderly conduct in graveyards
CR, § 10-502: Bigamy (listed as a misdemeanor but is a felony)
CR, § 11-303: Engaging in prostitution
CR, § 11-306: Procuring or solicitation of prostitution or assignation
CR, § 11-307: Using a building, structure, or conveyance for prostitution or assignation
CR, § 12-102: Betting, wagering, gambling, etc.; pool on races/contests
CR, § 12-103: Playing specified games for money (*e.g.*, craps, thimbles, etc.)
CR, § 12-104: Keeping a gaming device or a place for gambling
CR, § 12-105: Offshore gambling
CR, § 12-109: Prearrangement or predetermination of horse race results
CR, § 12-203: Holding a lottery or selling a lottery device
CR, § 12-204: Keeping a location for the sale or barter of lottery devices

CR, § 12-205: Importing a lottery device or possession of lottery records or money
CR, § 12-302: Unlawful possession or operation of a slot machine

Election Law Article

EL, § 13-401: Failure to comply with authority line requirements in campaign material
EL, § 13-602: Specified campaign finance/election-related violations (*e.g.*, providing money/aid or a thing of value to induce or procure a vote, influence by employer of employee's vote, etc.)

EL, § 16-201: Voting-related offenses (*e.g.*, impersonation of another in order to vote, voting under a false name, etc.)

Family Law Article

FL, § 4-509: Failure to comply with protective order

Health General Article

HG, § 18-215: Violations relating to infectious or contagious disease reports

Housing and Community Development Article

HCD, § 4-411: Making a false statement or report to the Department of Housing and Community Development for Rental Housing Program loan

HCD, § 4-2005: Making a false statement or report to the Department of Housing and Community Development for Energy-Efficient Homes Construction Loan Program loan

Insurance Article (fraudulent insurance acts)

IN, § 27-403: Failure to return premiums, making false or misleading claims to an insurer

IN, § 27-404: Insurer doing business with unlicensed persons

IN, § 27-405: Representations to public by unlicensed persons

IN, § 27-406: False applications and statements; unregulated insurers

IN § 27-406.1: Fraudulent insurance acts of individual sureties

IN, § 27-407: Solicitation of injured persons; solicitation of clients for lawyer or health care practitioner

IN, § 27-407.1: Organizing, planning, or knowingly participating in an intentional motor vehicle accident

IN, § 27-407.2: Compensation for insurance deductible

Natural Resources Article

- NR, § 8-725.4: Speed limits on the Severn River imposed on specified days from April 15, 1989, to October 15, 1989
- NR, § 8-725.5: Noise levels for vessels operated in tidal waters
- NR, § 8-725.6: Speed limit on Seneca Creek
- NR, § 8-725.7: Speed limit on certain areas of Monocacy River
- NR, § 8-726: Throwing or dumping refuse on waters of the State
- NR, § 8-726.1: Throwing specified types of waste on certain waters of the State
- NR, § 8-727.1: Use of flashing red and yellow lights or signal devices
- NR, § 8-738.2: Operating a vessel in a reckless or dangerous manner
- Any prohibited act related to speed limits for personal watercraft
- NR, § 10-301: Hunting game birds or mammals without a hunting license)
- NR, § 10-306: Duty to be in physical possession of a license while hunting and duty to present a license to law enforcement on demand while hunting)
- NR, § 10-308.1: Hunting migratory game birds without a Maryland migratory game bird stamp, etc.
- NR, § 10-413(e)(1): Training a retriever dog using artificially reared game birds without a permit)
- NR, § 10-418: Failure to wear fluorescent clothing while hunting
- NR, § 10-502: Trapping furbearers without a nonresident trapper's license
- NR, § 10-611: Hunting wild waterfowl from a blind site without a license
- NR, § 10-907(a): Engaging in specified activities without a falconry permit

Public Safety Article

- PS, § 5-307: Scope of handgun permit (listed in statute but is not a crime)
- PS, § 5-308: Possession of handgun permit required
- PS, § 6-602: Interference or obstruction of fire marshal, false representation as a fire marshal
- PS, § 7-402: Interference, obstruction of fire or emergency services personnel
- PS, § 14-114: Violation of order, rule, or regulation issued under Maryland Emergency Management Agency Act

Real Property Article

- RP, § 7-318.1: Failure of foreclosure consultant to obtain a real estate broker's license or violation by foreclosure consultant of Maryland Real Estate Brokers Act
- RP, § 7-509: Does not refer to a prohibited act – penalty provision for violations of provisions of Maryland Mortgage Assistance Relief Services Act
- RP, § 10-507: Violation of Custom Home Protection Act (subsection (b)(3))

State Government Article

SG, § 9-124: Prohibited acts relating to State lottery

Tax General

TG, § 13-1001: Willful failure to file tax return

TG, § 13-1004: Income tax preparer – false return, false claim for refund, or attempted tax evasion

TG, § 13-1007: Violations of income tax withholding requirements

TG, § 13-1024: Failure to provide information with intent to evade taxes

Transportation Article

TR, § 16-303: Driving while privilege is canceled, suspended, or revoked

Common Law Offenses

Affray

Battery

Criminal contempt

Hindering a law enforcement officer

Rioting

Felonies Eligible for Expungement

Criminal Law Article

CR, § 7-104: General Theft (at least \$1,500)

CR, § 5-602: Possession with intent to distribute a controlled dangerous substance

CR, § 6-202(a): Burglary in the first degree – breaking and entering with intent to commit theft

CR, § 6-203: Burglary in the second degree

CR, § 6-204: Burglary in the third degree

An attempt, conspiracy, or solicitation of any offense listed above is also eligible for expungement under CP, § 10-110

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Records – Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)

BILL NUMBER: HB 499

PREPARED BY: Myles Hicks

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS