

HOUSE BILL 269

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4lr1112

By: **Delegate Grammer**

Introduced and read first time: January 12, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Disclosure of Expunged Records – Alterations**

3 FOR the purpose of clarifying that refusal by a person to disclose information about
4 criminal charges that have been expunged may not be the sole reason for a unit, an
5 official, or an employee of the State or political subdivision of the State to deny the
6 person's application for a license, permit, registration, or government service or for
7 an educational institution to expel or refuse to admit the person; and generally
8 relating to expunged criminal records.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 10–109
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Procedure
16 Section 10–306
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Procedure**

22 10–109.

23 (a) (1) Disclosure of expunged information about criminal charges in an
24 application, interview, or other means may not be required:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) by an employer or educational institution of a person who applies for employment or admission; or

(ii) by a unit, official, or employee of the State or a political subdivision of the State of a person who applies for a license, permit, registration, or governmental service.

(2) A person need not refer to or give information concerning an expunged charge when answering a question concerning:

(i) a criminal charge that did not result in a conviction; or

(ii) a conviction that the Governor pardoned.

(3) Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for:

(i) an employer to discharge or refuse to hire the person; [or]

(ii) a unit, official, or employee of the State or a political subdivision of the State to deny the person's application **FOR A LICENSE, PERMIT, REGISTRATION, OR GOVERNMENTAL SERVICE; OR**

(III) AN EDUCATIONAL INSTITUTION TO EXPEL OR REFUSE TO ADMIT THE PERSON.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both for each violation.

(2) In addition to the penalties provided in paragraph (1) of this subsection, an official or employee of the State or a political subdivision of the State who is convicted under this section may be removed or dismissed from public service.

10-306.

(a) A person authorized to access a shielded record under § 10-302(b) of this subtitle may not disclose any information from a shielded record to a person who is not authorized to access shielded records under § 10-302(b) of this subtitle.

(b) (1) Except as provided in § 10-302(b) of this subtitle, an employer may not:

(i) require a person who applies for employment to disclose shielded information about criminal charges in an application, an interview, or otherwise; or

1 (ii) discharge or refuse to hire a person solely because the person
2 refused to disclose information about criminal charges that have been shielded.

3 (2) An educational institution may not:

4 (i) require a person who applies for admission to the institution to
5 disclose shielded information about criminal charges in an application, an interview, or
6 otherwise; or

7 (ii) expel or refuse to admit a person solely because the person
8 refused to disclose information about criminal charges that have been shielded.

9 (3) Except as provided in § 10–302(b) of this subtitle, a unit, an official, or
10 an employee of the State or a political subdivision of the State may not:

11 (i) require a person who applies for a permit, registration, or
12 government service to disclose shielded information about criminal charges in an
13 application, an interview, or otherwise; or

14 (ii) deny a person's application for a permit, registration, or
15 government service solely because the person refused to disclose information about
16 criminal charges that have been shielded.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.