

HOUSE BILL 943

E2, P3

4lr2187

By: **Delegate Embry**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Courts – Expunged Cases and Judicial Actions – Disclosure and Public Access**

3 FOR the purpose of clarifying that expungement does not prohibit disclosure of certain ~~case~~
4 records; providing that certain provisions of law shall be construed in favor of
5 allowing access to information about judicial actions; and generally relating to access
6 to judicial information.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 10–108

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – General Provisions

14 Section 4–103

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Procedure**

20 10–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A person may not open or review an expunged record or disclose to another
2 person any information from that record without a court order from:

3 (1) the court that ordered the record expunged; or

4 (2) the District Court that has venue in the case of a police record expunged
5 under § 10–103 of this subtitle.

6 (b) A court may order the opening or review of an expunged record or the
7 disclosure of information from that record:

8 (1) after notice to the person whom the record concerns, a hearing, and the
9 showing of good cause; or

10 (2) on an ex parte order, as provided in subsection (c) of this section.

11 (c) (1) The court may pass an ex parte order allowing access to an expunged
12 record, without notice to the person who is the subject of that record, on a verified petition
13 filed by a State's Attorney alleging that:

14 (i) the expunged record is needed by a law enforcement unit for a
15 pending criminal investigation; and

16 (ii) the investigation will be jeopardized or life or property will be
17 endangered without immediate access to the expunged record.

18 (2) In an ex parte order, the court may not allow a copy of the expunged
19 record to be made.

20 (d) (1) A person who violates this section is guilty of a misdemeanor and on
21 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year
22 or both.

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

26 **(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE**
27 **DISCLOSURE OF ANY ~~CASE~~ RECORD THAT:**

28 **(1) CONTAINS INFORMATION THAT IS ALSO CONTAINED IN AN**
29 **EXPUNGED RECORD;**

30 **(2) IS FORMATTED TO FACILITATE RESEARCH; AND**

1 **(3) CONTAINS DE-IDENTIFIED CASE DATA.**

2 **Article – General Provisions**

3 4–103.

4 (a) All persons are entitled to have access to information about the affairs of
5 government and the official acts of public officials and employees.

6 (b) To carry out the right set forth in subsection (a) of this section, unless an
7 unwarranted invasion of the privacy of a person in interest would result, this title shall be
8 construed in favor of allowing inspection of a public record, with the least cost and least
9 delay to the person or governmental unit that requests the inspection.

10 (c) This title does not preclude a member of the General Assembly from acquiring
11 the names and addresses of and statistical information about individuals who are licensed
12 or, as required by a State law, registered.

13 **(D) (1) THE GENERAL ASSEMBLY FINDS THAT RESEARCH INTO JUDICIAL**
14 **ACTIONS ENSURES EVIDENCE-BASED ASSESSMENTS OF OUTCOMES AND SERVES**
15 **THE PUBLIC INTEREST.**

16 **(2) TO CARRY OUT THE FINDING IN PARAGRAPH (1) OF THIS**
17 **SUBSECTION, UNLESS OTHERWISE PROVIDED BY LAW OR ORDER OF COURT, THIS**
18 **TITLE SHALL BE CONSTRUED IN FAVOR OF ALLOWING PUBLIC ACCESS TO**
19 **INFORMATION ABOUT THE JUDICIAL ACTIONS OF ANY COURT OF THIS STATE.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.