

FAQS FOR THE CONSUMER REPORTING LAW

1. Is a Consumer Report different from a Credit Report?

Yes. A credit report is one type of consumer report:

- A consumer report is a report that includes more than financial information. It includes items that might reflect on a person's character, reputation, or mode of living as well as their credit worthiness.
- A consumer report is used for more than a lender deciding whether to make a loan to a consumer. It is also used by employers, landlords, insurance companies, and even governments.

2. Does the law limit what can go on a consumer report?

Yes. A criminal matter must be removed if:

- The consumer was falsely accused, acquitted or exonerated.
- A nolle prosequi was entered, meaning the prosecutor will no longer pursue the case.
- The consumer was not found guilty or did not enter a guilty plea.
- The record has been expunged.

3. What happens if the consumer pled guilty but the judge entered a probation before judgment (PBJ)?

OFR believes that the law is intended to follow the determination of the Court.

- In the example above, a consumer reporting agency should proceed as if no guilty plea was entered and the matter must be removed from the consumer's report.
- A similar analysis would also apply when a judge places a case on the "Stet" docket as that is not a guilty determination.

4. What about cases on appeal or a case with an Alford plea?

OFR believes that the law is intended to follow the determination of the Court.

- A finding of guilt can remain on the record while the appeal is pending but must be removed once it is overturned on appeal.
- With an Alford plea, a consumer is maintaining their innocence, but agreeing the State has enough evidence to convict them. The determination by the judge would determine whether the case could go on a consumer report.

5. What happens when a consumer pled guilty to a crime, but later had the case expunged or received a pardon?

- The case can remain on the record until it is expunged or pardoned.
- Cases that have been expunged or pardoned must be removed from the consumer's report when they are expunged or pardoned (for example: [Governor Moore's June 17, 2024 Executive Clemency Order](#) pardoning certain Maryland convictions related to the simple possession of cannabis).

