
By: **Delegates Paige, Kirk, V. Jones, Gladden, Phillips, Marriott, Dobson,
Doory, Oaks, and Montague**

Introduced and read first time: February 21, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records -- Misidentification - Expungement**

3 FOR the purpose of authorizing a person who was misidentified because a defendant
4 used the person's name as an alias to petition for the expungement of certain
5 records maintained by the State; authorizing a certain petition to be filed at a
6 certain time; and generally relating to the expungement of police records, court
7 records, and other records maintained by the State.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 737(a)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1999 Supplement)

13 BY adding to
14 Article 27 - Crimes and Punishments
15 Section 737(g-1)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article 27 - Crimes and Punishments
20 Section 737(i) and (j)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1999 Supplement)

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

1

Article 27 - Crimes and Punishments

2 737.

3 (a) A person charged with the commission of a crime, including a violation of
4 the Transportation Article for which a term of imprisonment may be imposed, may
5 file a petition setting forth the relevant facts and requesting expungement of the
6 police records, court records, and other records maintained by the State of Maryland
7 and its subdivisions, pertaining to the charge if:

8 (1) The person is acquitted;

9 (2) The charge is otherwise dismissed or quashed;

10 (3) Except if charged with a violation of § 21-902 of the Transportation
11 Article, a judgment of probation before judgment is entered;

12 (4) A nolle prosequi is entered;

13 (5) The proceeding is placed on the stet docket;

14 (6) The case is compromised pursuant to § 766 of this article;

15 (7) The person is convicted of only one criminal act, which is not a crime
16 of violence, and is subsequently granted a full and unconditional pardon by the
17 Governor; [or]

18 (8) The charge was transferred to juvenile court jurisdiction under §
19 594A of this article; OR

20 (9) THE PERSON WAS MISIDENTIFIED BECAUSE A DEFENDANT USED
21 THE PERSON'S NAME AS AN ALIAS.

22 (G-1) A PETITION FOR EXPUNGEMENT BY A PERSON WHO WAS MISIDENTIFIED
23 BECAUSE THE PERSON'S NAME WAS USED AS AN ALIAS BY A DEFENDANT MAY BE
24 FILED IMMEDIATELY AFTER DISCOVERY OF THE MISIDENTIFICATION.

25 (i) A copy of the petition shall be served on the State's Attorney. Unless the
26 State's Attorney files an objection to the petition within 30 days after it is served on
27 him, the court shall enter an order requiring the expungement of police records and
28 court records pertaining to the charge.

29 (j) If the State's Attorney files a timely objection to the petition, the court
30 shall conduct a hearing. If the court finds that the person is entitled to expungement,
31 it shall enter an order requiring the expungement of police records and all court
32 records pertaining to the charge. Otherwise, it shall deny the petition. If the petition
33 is based upon the entry of a judgment of probation before judgment, a nolle prosequi,
34 placement on the stet docket, or a full and unconditional pardon by the Governor, the
35 person is not entitled to expungement if:

1 (1) He has since been convicted of any crime, other than violations of the
2 State vehicle laws or other traffic laws, ordinances, or regulations not carrying a
3 possible sentence of imprisonment; or

4 (2) He is then a defendant in a pending criminal proceeding.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.