
By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 4, 2000

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2000

CHAPTER 381

1 AN ACT concerning

2 **Police and Criminal Records - Expungement of Records - Nolle Prosequi**
3 **Before Service**

4 FOR the purpose of authorizing the ~~court~~ District Court to order expungement of
5 certain records relating to certain criminal charges if the State enters a nolle
6 prosequi as to all charges ~~on a District Court charging document that in a~~
7 criminal case within the jurisdiction of the District Court with which a
8 defendant has not been served ~~on a defendant~~, unless the State objects and
9 shows cause why a record should not be expunged; prohibiting ~~a court~~ the
10 District Court from assessing costs against a defendant for certain proceedings;
11 and generally relating to the expungement of records under certain
12 circumstances.

13 BY adding to
14 Article 27 - Crimes and Punishments
15 Section 736A
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1999 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 736A.

22 (A) UNLESS THE STATE OBJECTS AND SHOWS CAUSE WHY A RECORD SHOULD
23 NOT BE EXPUNGED, IF THE STATE ENTERS A NOLLE PROSEQUI AS TO ALL CHARGES

1 ~~ON A DISTRICT COURT CRIMINAL CHARGING DOCUMENT THAT IN A CRIMINAL CASE~~
2 ~~WITHIN THE JURISDICTION OF THE DISTRICT COURT WITH WHICH A DEFENDANT~~
3 ~~HAS NOT BEEN SERVED ON A DEFENDANT, THE DISTRICT COURT MAY ORDER~~
4 ~~EXPUNGEMENT OF ANY COURT RECORD, POLICE RECORD, OR ANY OTHER RECORD~~
5 ~~THAT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE KEEPS AS TO THE~~
6 ~~CHARGES.~~

7 (B) ~~A~~ THE DISTRICT COURT MAY NOT ASSESS ANY COSTS AGAINST A
8 DEFENDANT FOR A PROCEEDING UNDER SUBSECTION (A) OF THIS SECTION.

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