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By: **Delegates Marriott, Anderson, Cardin, Carter, Dumais, Gutierrez,  
Kelley, Menes, Paige, and Rosenberg**  
Introduced and read first time: February 4, 2005  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records - Nuisance Crimes - Expungement**

3 FOR the purpose of authorizing a person convicted of a certain crime who completed  
4 the sentence imposed for the conviction, including probation, to petition for the  
5 expungement of certain records maintained by the State pertaining to the  
6 conviction; prohibiting a certain petition to be filed during a certain time; and  
7 generally relating to the expungement of police records, court records, and other  
8 records maintained by the State.

9 BY renumbering

10 Article - Criminal Procedure  
11 Section 10-105(c)(6)  
12 to be Section 10-105(c)(7)  
13 Annotated Code of Maryland  
14 (2001 Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Procedure  
17 Section 10-105(a)  
18 Annotated Code of Maryland  
19 (2001 Volume and 2004 Supplement)

20 BY adding to

21 Article - Criminal Procedure  
22 Section 10-105(c)(6)  
23 Annotated Code of Maryland  
24 (2001 Volume and 2004 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That Section(s) 10-105(c)(6) of Article - Criminal Procedure of the  
27 Annotated Code of Maryland be renumbered to be Section(s) 10-105(c)(7).

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3

**Article - Criminal Procedure**

4 10-105.

5 (a) A person who has been charged with the commission of a crime, including  
6 a violation of the Transportation Article for which a term of imprisonment may be  
7 imposed, may file a petition listing relevant facts for expungement of a police record,  
8 court record, or other record maintained by the State or a political subdivision of the  
9 State if:

10 (1) the person is acquitted;

11 (2) the charge is otherwise dismissed;

12 (3) a probation before judgment is entered, unless the person is charged  
13 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §  
14 3-211 of the Criminal Law Article;

15 (4) a nolle prosequi or nolle prosequi with the requirement of drug or  
16 alcohol treatment is entered;

17 (5) the court indefinitely postpones trial of a criminal charge by marking  
18 the criminal charge "stet" or stet with the requirement of drug or alcohol abuse  
19 treatment on the docket;

20 (6) the case is compromised under § 3-207 of the Criminal Law Article;

21 (7) the charge was transferred to the juvenile court under § 4-202 of this  
22 article; [or]

23 (8) the person:

24 (i) is convicted of only one criminal act, and that act is not a crime  
25 of violence; and

26 (ii) is granted a full and unconditional pardon by the Governor; OR

27 (9) THE PERSON WAS CONVICTED OF A CRIME UNDER ANY STATE OR  
28 LOCAL LAW THAT PROHIBITS:

29 (I) URINATION OR DEFECATION IN A PUBLIC PLACE;

30 (II) PANHANDLING OR SOLICITING MONEY;

31 (III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE;

32 (IV) DISTURBING THE PEACE;

1 (V) DISORDERLY CONDUCT;

2 (VI) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A PUBLIC  
3 PLACE OR A PUBLIC CONVEYANCE;

4 (VII) TRESPASS ON POSTED PROPERTY;

5 (VIII) WANTON TRESPASS ON PRIVATE PROPERTY;

6 (IX) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS BENCHES OR  
7 DOORWAYS;

8 (X) LOITERING;

9 (XI) VAGRANCY; OR

10 (XII) RIDING A TRANSIT VEHICLE WITHOUT PAYING THE  
11 APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE ACTS  
12 SPECIFIED IN § 7-705 OF THE TRANSPORTATION ARTICLE.

13 (c) (6) A PETITION FOR EXPUNGEMENT BASED ON THE COMPLETION OF  
14 THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION  
15 OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED WITHIN  
16 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE  
17 SENTENCE, WHICHEVER IS LATER.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect October 1, 2005.