

---

By: **Delegates Marriott, Anderson, Cardin, Carter, Dumais, Gutierrez,  
Kelley, Menes, Paige, and Rosenberg**

Introduced and read first time: February 4, 2005

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

---

CHAPTER\_\_\_\_\_

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)

1 Annotated Code of Maryland  
2 (2001 Volume and 2004 Supplement)

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

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

8 **Article - Criminal Procedure**

9 10-105.

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

15 (1) the person is acquitted;

16 (2) the charge is otherwise dismissed;

17 (3) a probation before judgment is entered, unless the person is charged  
18 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §  
19 3-211 of the Criminal Law Article;

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

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

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

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

28 (8) the person:

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

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

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

- 1 (I) URINATION OR DEFECATION IN A PUBLIC PLACE;
- 2 (II) PANHANDLING OR SOLICITING MONEY;
- 3 (III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE;
- 4 ~~(IV) DISTURBING THE PEACE;~~
- 5 ~~(V) DISORDERLY CONDUCT;~~
- 6 ~~(VI)~~ (IV) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A  
7 PUBLIC PLACE OR A PUBLIC CONVEYANCE;
- 8 ~~(VII) TRESPASS ON POSTED PROPERTY;~~
- 9 ~~(VIII)~~ (V) WANTON TRESPASS ON PRIVATE PROPERTY;
- 10 ~~(IX)~~ (VI) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS  
11 BENCHES OR DOORWAYS;
- 12 ~~(X)~~ (VII) LOITERING;
- 13 ~~(XI)~~ (VIII) VAGRANCY; OR
- 14 ~~(XII)~~ (IX) RIDING A TRANSIT VEHICLE WITHOUT PAYING THE  
15 APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE ACTS  
16 SPECIFIED IN § 7-705 OF THE TRANSPORTATION ARTICLE.

17 (c) (6) A PETITION FOR EXPUNGEMENT BASED ON THE COMPLETION OF  
18 THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION  
19 OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED WITHIN  
20 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE  
21 SENTENCE, WHICHEVER IS LATER.

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