

HOUSE BILL 652

E2

2lr1069
CF SB 667

By: **Delegate Waldstreicher (By Request – Task Force on Prisoner Reentry)**
and Delegates Anderson, Barnes, Braveboy, Carter, Dumais, Gaines,
Haynes, Ivey, Lafferty, McIntosh, Pena–Melnyk, Proctor, Rosenberg,
Ross, V. Turner, Valderrama, and Washington

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Records – Shielding – Nonviolent Convictions**

3 FOR the purpose of requiring court records and police records relating to a conviction
4 to be shielded automatically at a certain time, depending on whether the
5 conviction is for a misdemeanor or a felony; providing that if a certain person is
6 convicted of a new crime during a certain time period, a certain original
7 conviction is not eligible for shielding unless the new conviction becomes eligible
8 for shielding; prohibiting the Maryland Judiciary Case Search from in any way
9 referring to the existence of specific records shielded in accordance with this
10 Act; providing that a conviction that has been shielded in accordance with this
11 Act may not be considered a conviction for certain purposes; requiring a certain
12 custodian to deny inspection of criminal records and police records relating to
13 the conviction of a crime that has been shielded under this Act; providing that
14 this Act does not apply to a conviction of a crime of violence as defined under a
15 certain provision of law; defining certain terms; and generally relating to the
16 shielding of court records and police records.

17 BY adding to

18 Article – Criminal Procedure

19 Section 10–301 through 10–305 to be under the new subtitle “Subtitle 3.
20 Shielding”

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2011 Supplement)

23 BY adding to

24 Article – State Government

25 Section 10–616(v)

26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2011 Supplement)

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

4 **Article – Criminal Procedure**

5 **SUBTITLE 3. SHIELDING.**

6 **10–301.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “COURT RECORD” HAS THE MEANING STATED IN § 10–101 OF THIS
10 TITLE.

11 (C) “CRIMINAL JUSTICE UNIT” HAS THE MEANING STATED IN § 10–201
12 OF THIS TITLE.

13 (D) “POLICE RECORD” HAS THE MEANING STATED IN § 10–101 OF THIS
14 TITLE.

15 (E) (1) “SHIELD” MEANS TO RENDER A COURT RECORD OR POLICE
16 RECORD INACCESSIBLE BY MEMBERS OF THE PUBLIC.

17 (2) A SHIELDED RECORD SHALL REMAIN FULLY ACCESSIBLE BY:

18 (I) CRIMINAL JUSTICE UNITS; AND

19 (II) PROSPECTIVE EMPLOYERS WHO ARE SUBJECT TO A
20 STATUTORY REQUIREMENT TO INQUIRE INTO AN APPLICANT’S CRIMINAL
21 BACKGROUND.

22 **10–302.**

23 THIS SUBTITLE DOES NOT APPLY TO A CONVICTION OF A CRIME OF
24 VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

25 **10–303.**

26 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, COURT
27 RECORDS AND POLICE RECORDS RELATING TO A CONVICTION SHALL BE
28 SHIELDED AUTOMATICALLY:

