

HOUSE BILL 1292

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2lr3259
CF SB 494

By: **Delegates Carter and Oaks**

Introduced and read first time: February 15, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Retention of Right to Expungement**

3 FOR the purpose of establishing that whether a person is entitled to expungement of
4 one charge or conviction arising from an incident, transaction, or set of facts
5 does not affect the person's right to expungement of another charge or
6 conviction arising from the same incident, transaction, or set of facts; making
7 certain conforming changes; and generally relating to the expungement of
8 criminal charges.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 10–107
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

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

16 **Article – Criminal Procedure**

17 10–107.

18 (a) [(1)] In this subtitle, if two or more charges **OR CONVICTIONS**[, other
19 than one for a minor traffic violation,] arise from the same incident, transaction, or set
20 of facts, they are considered to be a unit.

21 [(2)] A charge for a minor traffic violation that arises from the same
22 incident, transaction, or set of facts as a charge in the unit is not a part of the unit.]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [(1) If a person is not entitled to expungement of one charge or
2 conviction in a unit, the person is not entitled to expungement of any other charge or
3 conviction in the unit.

4 (2) The disposition of a charge for a minor traffic violation that arises
5 from the same incident, transaction, or set of facts as a charge in the unit does not
6 affect any right to expungement of a charge or conviction in the unit] **WHETHER A
7 PERSON IS ENTITLED TO EXPUNGEMENT OF ONE CHARGE OR CONVICTION IN A
8 UNIT DOES NOT AFFECT ANY RIGHT TO EXPUNGEMENT OF ANY OTHER CHARGE
9 OR CONVICTION IN THE UNIT.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.