

# HOUSE BILL 1292

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2lr3259  
CF SB 494

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By: **Delegates Carter and Oaks**

Introduced and read first time: February 15, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 27, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – ~~Retention of Right to Expungement~~ Charges Not**  
3 **Resulting in Conviction – Shielding**

4 FOR the purpose of ~~establishing that whether a person is entitled to expungement of~~  
5 ~~one charge or conviction arising from an incident, transaction, or set of facts~~  
6 ~~does not affect the person's right to expungement of another charge or~~  
7 ~~conviction arising from the same incident, transaction, or set of facts~~  
8 authorizing a person who was convicted of one or more charges in a certain unit  
9 to file a petition to shield certain information; specifying that a certain petition  
10 shall be filed with the Administrative Office of the Courts; specifying that a  
11 petition to shield information relating to a certain charge may not be filed until  
12 the expiration of a certain amount of time; requiring the Administrative Office  
13 of the Courts to shield certain information within a certain time period under  
14 certain circumstances; prohibiting a certain Web site and computer terminals  
15 from in any way referring to the existence of a certain charge under certain  
16 circumstances; authorizing the Administrative Office of the Courts to assess a  
17 certain fee for a certain petition for a certain purpose; defining a certain term;  
18 making certain ~~conforming~~ technical changes; and generally relating to the  
19 expungement and shielding of criminal charges.

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Procedure

22 Section 10–107

23 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2008 Replacement Volume and 2011 Supplement)

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

**Article – Criminal Procedure**

10–107.

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

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

(b) ~~[(1)]~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF** a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.

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

**(C) (1) IN THIS SUBSECTION, “SHIELD” MEANS TO REMOVE INFORMATION FROM A PUBLIC WEB SITE AND PUBLIC COMPUTER TERMINALS MAINTAINED BY THE MARYLAND JUDICIARY.**

**(2) A PERSON WHO WAS CONVICTED OF ONE OR MORE CHARGES IN A UNIT MAY FILE A PETITION TO SHIELD INFORMATION REGARDING OTHER CHARGES IN THE UNIT THAT WERE DISPOSED OF BY ACQUITTAL, DISMISSAL, NOLLE PROSEQUI, OR STET.**

**(3) A PETITION SHALL BE FILED WITH THE ADMINISTRATIVE OFFICE OF THE COURTS.**

**(4) A PETITION TO SHIELD INFORMATION RELATING TO A STETTED CHARGE MAY NOT BE FILED UNTIL THE EXPIRATION OF 3 YEARS SINCE THE DATE THE STET WAS ENTERED.**

1           **(5) WITHIN 30 DAYS AFTER RECEIPT OF A PETITION FILED IN**  
2 **ACCORDANCE WITH THIS SUBSECTION, THE ADMINISTRATIVE OFFICE OF THE**  
3 **COURTS SHALL SHIELD THE INFORMATION.**

4           **(6) THE PUBLIC WEB SITE AND PUBLIC COMPUTER TERMINALS**  
5 **MAINTAINED BY THE MARYLAND JUDICIARY MAY NOT IN ANY WAY REFER TO**  
6 **THE EXISTENCE OF A CHARGE THAT HAS BEEN SHIELDED UNDER THIS**  
7 **SUBSECTION.**

8           **(7) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ASSESS A**  
9 **REASONABLE FEE FOR A PETITION FILED UNDER THIS SUBSECTION TO OFFSET**  
10 **IMPLEMENTATION COSTS.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.