

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “acts;” insert “specifying that a petition for expungement based on a finding of not criminally responsible under this Act may not be filed within a certain period of time; providing that a person is not entitled to expungement if the petition is based on a finding of not criminally responsible and the person, since the finding of not criminally responsible, has been convicted of a certain crime or is a defendant in a pending criminal proceeding;”; in line 9, after “10-105(a)” insert “, (c)(7), and (e)(4)”; and after line 11, insert:

“BY adding

Article – Criminal Procedure

Section 10-105(c)(7)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 3, strike beginning with “ASSAULT” in line 7 down through “(III)” in line 10; in lines 11 and 12, strike “(IV)” and “(V)”, respectively, and substitute “(II)” and “(III)”, respectively; and after line 12, insert:

“(c) (7) A PETITION FOR EXPUNGEMENT BASED ON A FINDING OF NOT CRIMINALLY RESPONSIBLE UNDER SUBSECTION (A)(9) OR (10) OF THIS SECTION MAY NOT BE FILED WITHIN 3 YEARS AFTER THE FINDING OF NOT CRIMINALLY RESPONSIBLE WAS MADE BY THE COURT.

[(7)](8) A court may grant a petition for expungement at any time on a showing of good cause.”.

(Over)

AMENDMENT NO. 3

On page 3, before line 13, insert:

“(e) (4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, A FINDING OF NOT CRIMINALLY RESPONSIBLE, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, FINDING OF NOT CRIMINALLY RESPONSIBLE, or conviction has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.”.