

SENATE BILL 652

E2

(5lr2516)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Muse, Benson, Currie, McFadden, and Waugh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records**

3 FOR the purpose of ~~repealing~~ ~~altering~~ repealing a provision of law that provides that a
4 person is not entitled to expungement of the person’s record if the petition for
5 expungement is based on a certain case disposition *other than a certain entry of a*
6 *probation before judgment within a certain period* and the person, since the
7 disposition, has been convicted of a crime other than a minor traffic violation *or a*
8 *certain crime; or is a defendant in a pending criminal proceeding; establishing a*
9 ~~certain exception to a provision of law that provides a person is not entitled to an~~
10 ~~expungement under certain circumstances~~ *providing that a person is not entitled to*
11 *expungement of the person’s record if the person is a defendant in a pending criminal*
12 *proceeding, regardless of the basis of the petition;* and generally relating to
13 expungement of records.

14 BY repealing and reenacting, with amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Criminal Procedure
 2 Section 10–105(e)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2014 Supplement)

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

7 **Article – Criminal Procedure**

8 10–105.

9 (e) (1) If the State’s Attorney files a timely objection to the petition, the court
 10 shall hold a hearing.

11 (2) If the court at the hearing finds that the person is entitled to
 12 expungement, the court shall order the expungement of all police records and court records
 13 about the charge.

14 (3) If the court finds that the person is not entitled to expungement, the
 15 court shall deny the petition.

16 ~~¶~~(4) The person is not entitled to expungement if:

17 (i) the petition is based on the entry of probation before judgment,
 18 ~~**EXCEPT A PROBATION BEFORE JUDGMENT FOR A CRIME WHERE THE ACT ON WHICH**~~
 19 ~~**THE CONVICTION IS BASED IS NO LONGER A CRIME,**~~ ~~a nolle prosequi, a stet, including a~~
 20 ~~nolle prosequi with the requirement of drug or alcohol treatment or a stet with the~~
 21 ~~requirement of drug or alcohol abuse treatment, a conviction for a crime specified in~~
 22 ~~subsection (a)(9) of this section, a finding of not criminally responsible, or the grant of a~~
 23 ~~pardon by the Governor; and~~

24 ~~(ii)~~ the person:

25 ~~1.~~ ~~since the full and unconditional pardon, entry, **OR** finding~~
 26 ~~of not criminally responsible **WITHIN 3 YEARS OF THE ENTRY OF THE PROBATION**~~
 27 ~~**BEFORE JUDGMENT,**~~ ~~or conviction~~ has been convicted of a crime other than:

28 ~~**A.**~~ a minor traffic violation; ~~**OR**~~

29 ~~**B.**~~ ~~**OR A CRIME WHERE THE ACT ON WHICH THE**~~
 30 ~~**CONVICTION WAS IS BASED IS NO LONGER A CRIME;**~~ or

31 ~~2.~~ ~~**(II)**~~ ~~**THE PERSON**~~ is a defendant in a pending criminal
 32 proceeding. ~~‡~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.