

Chapter 314

(House Bill 304)

AN ACT concerning

Criminal Procedure – Expungement of Records

FOR the purpose of repealing a provision of law that provides that a person is not entitled to expungement of the person’s record if the petition for expungement is based on a certain case disposition other than ~~an~~ a certain entry of a probation before judgment within a certain period and the person, since the disposition, has been convicted of a crime other than a minor traffic violation or a certain crime; providing that a person is not entitled to expungement of the person’s record if the person is a defendant in a pending criminal proceeding, regardless of the basis of the petition; and generally relating to expungement of records.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10–105.

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

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

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

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

(i) the petition is based on the entry of probation before judgment, **EXCEPT A PROBATION BEFORE JUDGMENT FOR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME,** ~~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 WITHIN 3 YEARS OF the ~~full and unconditional pardon, entry, finding of not criminally responsible, or conviction~~ ENTRY OF THE PROBATION BEFORE JUDGMENT has been convicted of a crime other than a minor traffic violation OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME; or~~

~~2. (ii)~~ THE PERSON is a defendant in a pending criminal proceeding.

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

Approved by the Governor, May 12, 2015.