

## Chapter 69

**(House Bill 131)**

AN ACT concerning

**Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement**

FOR the purpose of requiring a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered; and generally relating to expungement.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 10–105(b) and 10–106  
 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.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) (i) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

**(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4–202 OR § 4–202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.**

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

10–106.

(A) A person may file, and a court shall grant, a petition for expungement of a criminal charge transferred to the juvenile court under § 4–202 or § 4–202.2 of this article.

(B) **A PETITION FOR EXPUNGEMENT FILED UNDER THIS SECTION SHALL BE FILED IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.**

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

**Approved by the Governor, April 14, 2015.**