

HOUSE BILL 770

E2

6lr1679
CF 6lr2153

By: Delegates D. Barnes, Anderson, Angel, Atterbeary, B. Barnes, Carr, Carter, Conaway, Davis, Kelly, McCray, Moon, Morales, Proctor, Rosenberg, Sanchez, Smith, Sydnor, Valentino-Smith, A. Washington, and M. Washington

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Nonviolent Felonies – Stet, Shielding, and Expungement**

3 FOR the purpose of requiring a court to dispose of a charge for a certain nonviolent felony
4 by stet under certain circumstances; authorizing the court to reschedule a certain
5 charge that was steted, for certain reasons within certain time periods; authorizing
6 a person to file a petition to shield a conviction for a certain nonviolent felony in
7 accordance with certain provisions of law at a certain time under certain
8 circumstances; authorizing a person to file a petition to expunge a shielded
9 conviction for a certain nonviolent felony in accordance with certain provisions of law
10 at a certain time; defining certain terms; and generally relating to nonviolent
11 felonies.

12 BY adding to

13 Article – Criminal Procedure

14 Section 10–401 through 10–404 to be under the new subtitle “Subtitle 4. Nonviolent
15 Felonies”

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2015 Supplement)

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

20 **Article – Criminal Procedure**

21 **SUBTITLE 4. NONVIOLENT FELONIES.**

22 **10–401.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "EXPUNGE" HAS THE MEANING STATED IN § 10-101 OF THIS TITLE.

4 (C) "NONVIOLENT FELONY" MEANS A FELONY THAT IS NOT A CRIME OF
5 VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

6 (D) "SHIELD" HAS THE MEANING STATED IN § 10-301 OF THIS TITLE.

7 10-402.

8 (A) BEFORE TRIAL, A COURT SHALL DISPOSE OF A CHARGE FOR A
9 NONVIOLENT FELONY BY STET UNDER MARYLAND RULE 4-248 IF THE COURT FINDS
10 THAT THE DISPOSITION IS IN THE INTEREST OF JUSTICE.

11 (B) THE COURT MAY RESCHEDULE A CHARGE THAT WAS STETTED UNDER
12 SUBSECTION (A) OF THIS SECTION:

13 (1) FOR ANY REASON, WITHIN 1 YEAR; OR

14 (2) FOR GOOD CAUSE, AT ANY TIME.

15 10-403.

16 A PERSON MAY FILE A PETITION TO SHIELD A CONVICTION FOR A
17 NONVIOLENT FELONY IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE NO EARLIER
18 THAN 3 YEARS AFTER THE PERSON:

19 (1) SATISFIES THE SENTENCE IMPOSED FOR THE CONVICTION,
20 INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION; AND

21 (2) PAYS ALL REQUIRED RESTITUTION, FEES, AND FINES.

22 10-404.

23 A PERSON MAY FILE A PETITION TO EXPUNGE A SHIELDED CONVICTION FOR A
24 NONVIOLENT FELONY IN ACCORDANCE WITH § 10-105 OF THIS TITLE NO EARLIER
25 THAN 3 YEARS AFTER THE CONVICTION IS SHIELDED UNDER § 10-403 OF THIS
26 SUBTITLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.