

SENATE BILL 215

E2

6lr0319

By: **Senators Norman, Hough, Klausmeier, Muse, Ramirez, Ready, and Salling**
Introduced and read first time: January 21, 2016
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Nolle Prosequi**

3 FOR the purpose of repealing the prohibition on the filing of a petition for expungement
4 based on a nolle prosequi within a certain time period after the disposition unless
5 the petitioner files with the petition a certain waiver and release; and generally
6 relating to expungement of criminal records.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 10–105(c)(1)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2015 Supplement)

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

14 **Article – Criminal Procedure**

15 10–105.

16 (c) (1) Except as provided in paragraph (2) of this subsection, a petition for
17 expungement based on an acquittal[, a nolle prosequi,] or a dismissal may not be filed
18 within 3 years after the disposition, unless the petitioner files with the petition a written
19 general waiver and release of all the petitioner’s tort claims arising from the charge.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

