

SB0215/598278/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 215
(First Reading File Bill)

AMENDMENT NO.1

Strike beginning with “repealing” in line 3 down through “release” in line 5 and substitute “altering the circumstances under which a petition for expungement based on a nolle prosequi may be filed; requiring a certain expungement to occur in a certain manner unless a petitioner files a certain waiver and release”; and after line 6, insert:

“BY repealing and reenacting, without amendments,
Article - Criminal Procedure
Section 10-101(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

After line 14, insert:

“10-101.

(e) “Expungement” with respect to a court record or a police record means removal from public inspection:

(1) by obliteration;

(2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or

(Over)

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(3) if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.”;

in line 16, after “(1)” insert “**(I)**”; and after line 19, insert:

“(II) 1. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PETITION FOR EXPUNGEMENT BASED ON A NOLLE PROSEQUI MAY BE FILED AT ANY TIME AFTER THE DISPOSITION.

2. UNLESS A PETITIONER UNDER THIS SUBPARAGRAPH FILES WITH THE PETITION FOR EXPUNGEMENT A WRITTEN GENERAL WAIVER AND RELEASE OF ALL THE PETITIONER’S TORT CLAIMS ARISING FROM THE CHARGE, THE EXPUNGEMENT MAY OCCUR ONLY IN ACCORDANCE WITH § 10-101(E)(2) OF THIS SUBTITLE.”.