

**HB0777/703929/1**

BY: Delegate Angel

AMENDMENTS TO HOUSE BILL 777  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “penalty;” insert “providing for the automatic expungement of a charge or conviction under this Act under certain circumstances;”; and after line 23, insert:

“BY adding to

Article - Criminal Procedure

Section 10-105.1

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 12, insert:

“Article – Criminal Procedure

**10-105.1.**

**(A) A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF A VIOLATION OF § 5-601.2 OF THE CRIMINAL LAW ARTICLE IS ENTITLED TO AUTOMATIC EXPUNGEMENT OF ALL POLICE RECORDS, COURT RECORDS, AND OTHER RECORDS MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE RELATING TO THE MATTER IF:**

**(1) THE PERSON IS ACQUITTED;**

**(2) THE CHARGE IS DISMISSED;**

(Over)

(3) A NOLLE PROSEQUI OTHER THAN A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT IS ENTERED; OR

(4) THE PERSON IS CONVICTED AND HAS PAID ANY FINE IMPOSED FOR A CONVICTION.

(B) WITHIN 60 DAYS AFTER A DISPOSITION OF A CHARGE OR PAYMENT OF A FINE UNDER SUBSECTION (A) OF THIS SECTION, THE COURT WITH JURISDICTION OVER THE MATTER SHALL:

(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH COURT RECORD ABOUT THE CHARGE; AND

(2) SEND A NOTICE OF EXPUNGEMENT CONTAINING ALL RELEVANT FACTS ABOUT THE EXPUNGEMENT AND UNDERLYING CHARGE TO:

(I) THE CENTRAL REPOSITORY;

(II) EACH BOOKING FACILITY OR LAW ENFORCEMENT UNIT THAT THE COURT BELIEVES MAY HAVE A POLICE RECORD ABOUT THE ARREST, CONFINEMENT, OR CHARGE; AND

(III) THE PERSON ENTITLED TO EXPUNGEMENT.

(C) WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL REPOSITORY, A BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT SHALL:

(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE AND COURT RECORD ABOUT THE ARREST, CONFINEMENT, OR CHARGING OF THE PERSON; AND

(2) ADVISE IN WRITING THE PERSON ENTITLED TO EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.

(D) (1) A POLICE OR COURT RECORD EXPUNGED UNDER THIS SECTION MAY NOT BE EXPUNGED BY OBLITERATION UNTIL 3 YEARS AFTER THE DATE OF EXPUNGEMENT.

(2) DURING THE 3-YEAR PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE RECORDS SHALL BE REMOVED TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.

(3) FOR PURPOSES OF THIS SUBSECTION, A LEGITIMATE REASON FOR ACCESSING THE RECORDS INCLUDES USING THE RECORDS FOR PURPOSES OF PROCEEDINGS RELATING TO THE ARREST OR CHARGE.

(E) IF A COURT, A LAW ENFORCEMENT UNIT, A BOOKING FACILITY, OR THE CENTRAL REPOSITORY FAILS TO EXPUNGE A POLICE OR COURT RECORD AS REQUIRED UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE PERSON ENTITLED TO EXPUNGEMENT MAY:

(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY; AND

(2) RECOVER COURT COSTS.

**(F) A PERSON WHO IS ENTITLED TO EXPUNGEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEE OR COSTS IN CONNECTION WITH THE EXPUNGEMENT.**