

# SENATE BILL 510

E2  
SB 215/16 – JPR

7lr2987

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By: **Senator Norman**

Introduced and read first time: February 1, 2017

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Expungement – ~~Nolle Prosequi~~ Time for Filing**

3 FOR the purpose of repealing the prohibition on the filing of a petition for expungement  
4 based on an acquittal, a dismissal, or a nolle prosequi within a certain time period  
5 after the disposition unless the petitioner files with the petition a certain waiver and  
6 release; requiring certain records that are ordered for expungement to be expunged  
7 by removing the records to a certain secured area; and generally relating to  
8 expungement of criminal records.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 10–105(c)(1) and (e)(2)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2016 Supplement)

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

16 **Article – Criminal Procedure**

17 10–105.

18 (c) (1) Except as provided in paragraph (2) of this subsection, a petition for  
19 expungement based on an acquittal~~],~~ a nolle prosequi~~],~~ or a dismissal may ~~not be filed~~  
20 ~~within 3 years after the disposition, unless the petitioner files with the petition a written~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~general waiver and release of all the petitioner's tort claims arising from the charge~~ BE  
2 FILED AT ANY TIME.

3 (e) (2) (I) [If] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
4 IF the court of the hearing finds that the person is entitled to expungement, the court shall  
5 order the expungement of all police records and court records about the charge.

6 (II) IF A PETITION FOR EXPUNGEMENT UNDER SUBSECTION  
7 (C)(1) OF THIS SECTION IS GRANTED WITHIN 3 YEARS AFTER THE DISPOSITION, THE  
8 EXPUNGEMENT SHALL BE ACCOMPLISHED BY REMOVING THE RECORDS TO A  
9 SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE  
10 REASON FOR ACCESS ARE DENIED ACCESS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.