

HB1057/998076/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1057

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “petition;” insert “repealing the prohibition on the filing of a petition for expungement based on an acquittal, a dismissal, or a nolle prosequi within a certain time period after the disposition unless the petitioner files with the petition a certain waiver and release; requiring certain records that are ordered for expungement to be expunged by removing the records to a certain secured area; providing that certain records are subject to discovery in a civil action, except under certain circumstances;”; and in line 18, strike “10–105(e)” and substitute “10–105(c)(1) and (e)”.

AMENDMENT NO. 2

On page 3, after line 19, insert:

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

in line 22, strike “If” and substitute “**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF**”; in line 27, after “(3)” insert “**(I) IF A PETITION FOR EXPUNGEMENT UNDER SUBSECTION (C)(1) OF THIS SECTION IS GRANTED WITHIN 3 YEARS AFTER THE DISPOSITION, THE EXPUNGEMENT SHALL BE ACCOMPLISHED BY REMOVING THE RECORDS TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.**”

(Over)

(ii) UNLESS A JUDICIAL OFFICER FINDS THAT THE RECORD IS PRIVILEGED OR OTHERWISE PROTECTED FROM DISCOVERY UNDER THE MARYLAND RULES, A RECORD EXPUNGED UNDER THIS SUBPARAGRAPH IS SUBJECT TO DISCOVERY IN A CIVIL ACTION.

(4)".

On page 4, in line 5, strike "(4)" and substitute "**(5)**".