

# HOUSE BILL 382

E2

8lr2355

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By: **Delegate Dumais**

Introduced and read first time: January 24, 2018

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2018

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

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Civil Offense**

3 FOR the purpose of repealing certain statutory language to clarify that a person who has  
4 been charged with any civil offense or infraction, except a juvenile offense, may file  
5 a petition for expungement of certain records under certain circumstances; and  
6 generally relating to expungement.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Procedure  
9 Section 10–105(a)  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2017 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 (a) A person who has been charged with the commission of a crime, including a  
17 violation of the Transportation Article for which a term of imprisonment may be imposed,  
18 or who has been charged with a civil offense or infraction, except a juvenile offense, [as a  
19 substitute for a criminal charge] may file a petition listing relevant facts for expungement  
20 of a police record, court record, or other record maintained by the State or a political

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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 subdivision of the State if:

2 (1) the person is acquitted;

3 (2) the charge is otherwise dismissed;

4 (3) a probation before judgment is entered, unless the person is charged  
5 with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211  
6 of the Criminal Law Article;

7 (4) a nolle prosequi or nolle prosequi with the requirement of drug or  
8 alcohol treatment is entered;

9 (5) the court indefinitely postpones trial of a criminal charge by marking  
10 the criminal charge “stet” or stet with the requirement of drug or alcohol abuse treatment  
11 on the docket;

12 (6) the case is compromised under § 3–207 of the Criminal Law Article;

13 (7) the charge was transferred to the juvenile court under § 4–202 of this  
14 article;

15 (8) the person:

16 (i) is convicted of only one criminal act, and that act is not a crime  
17 of violence; and

18 (ii) is granted a full and unconditional pardon by the Governor;

19 (9) the person was convicted of a crime or found not criminally responsible  
20 under any State or local law that prohibits:

21 (i) urination or defecation in a public place;

22 (ii) panhandling or soliciting money;

23 (iii) drinking an alcoholic beverage in a public place;

24 (iv) obstructing the free passage of another in a public place or a  
25 public conveyance;

26 (v) sleeping on or in park structures, such as benches or doorways;

27 (vi) loitering;

28 (vii) vagrancy;

1 (viii) riding a transit vehicle without paying the applicable fare or  
2 exhibiting proof of payment; or

3 (ix) except for carrying or possessing an explosive, acid, concealed  
4 weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation  
5 Article, any of the acts specified in § 7-705 of the Transportation Article;

6 (10) the person was found not criminally responsible under any State or  
7 local law that prohibits misdemeanor:

8 (i) trespass;

9 (ii) disturbing the peace; or

10 (iii) telephone misuse;

11 (11) the person was convicted of a crime and the act on which the conviction  
12 was based is no longer a crime; or

13 (12) the person was convicted of possession of marijuana under § 5-601 of  
14 the Criminal Law Article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.