

HOUSE BILL 422

E2

9lr1975

By: **Delegates Anderson and J. Lewis**

Introduced and read first time: January 31, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Convictions – Clarification**

3 FOR the purpose of correcting incorrect references; repealing incorrect references; making
4 stylistic, clarifying, and technical changes; and generally relating to expungement.

5 BY repealing and reenacting, with amendments,

6 Article – Criminal Procedure

7 Section 10–110(a)

8 Annotated Code of Maryland

9 (2018 Replacement Volume)

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

12 **Article – Criminal Procedure**

13 10–110.

14 (a) A person may file a petition listing relevant facts for expungement of a police
15 record, court record, or other record maintained by the State or a political subdivision of
16 the State if the person is convicted of:

17 (1) a misdemeanor that is a violation of:

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 (i) § 6-320 (**DISORDERLY INTOXICATION**) of the Alcoholic
2 Beverages Article;
- 3 (ii) [an offense] **A STATUTE** listed in § 17-613(a) (**VIOLATIONS OF**
4 **THE MARYLAND REAL ESTATE BROKERS ACT**) of the Business Occupations and
5 Professions Article;
- 6 (iii) **TITLE 5, SUBTITLE 6 (PERPETUAL CARE OF CEMETERIES),**
7 **§ 5-712 (FAILURE TO DEPOSIT MONEY RECEIVED IN CONNECTION WITH A PRENEED**
8 **BURIAL CONTRACT), TITLE 5, SUBTITLE 9 (CEMETERY-RELATED VIOLATIONS), §**
9 **19-304 (VIOLATIONS RELATING TO RETURNABLE CONTAINERS AND TEXTILES), OR §**
10 **19-308**[, or Title 5, Subtitle 6 or Subtitle 9] (**VIOLATIONS RELATING TO PLASTIC**
11 **SECONDARY PACKAGING**) of the Business Regulation Article;
- 12 (iv) § 3-1508 [or § 10-402] (**FAILURE TO COMPLY WITH A PEACE**
13 **ORDER) OR § 10-402(D) (WIRETAP ACT - DIVULGING CONTENTS OF**
14 **COMMUNICATIONS)** of the Courts Article;
- 15 (v) § 14-1915 (**VIOLATION OF THE MARYLAND CREDIT**
16 **SERVICES BUSINESSES ACT**), § 14-2902 (**FALSE OR FRAUDULENT ADVERTISING**), or
17 § 14-2903 (**BAIT AND SWITCH**) of the Commercial Law Article;
- 18 (vi) § 5-211 of this article (**FAILURE TO SURRENDER AFTER**
19 **FORFEITURE OF BAIL OR RECOGNIZANCE**);
- 20 (vii) § 3-203 (**SECOND-DEGREE ASSAULT**) or § 3-808 (**FILING**
21 **FRAUDULENT LIEN**) of the Criminal Law Article;
- 22 (viii) § 5-601 (**POSSESSING OR ADMINISTERING CONTROLLED**
23 **DANGEROUS SUBSTANCE**) not involving the use or possession of marijuana, § 5-618
24 (**POSSESSING OR PURCHASING NONCONTROLLED SUBSTANCE REASONABLY**
25 **BELIEVED TO BE A CONTROLLED DANGEROUS SUBSTANCE**), § 5-619 (**USE OR**
26 **POSSESSION OF DRUG PARAPHERNALIA**), § 5-620 (**OBTAINING, POSSESSING, OR**
27 **DISTRIBUTING CONTROLLED PARAPHERNALIA**), § 5-703 (**UNSOLICITED MAILING OF**
28 **CONTROLLED DANGEROUS SUBSTANCE**), § 5-708 (**USING INHALANT**), or § 5-902
29 (**MISCELLANEOUS CRIMES RELATING TO CONTROLLED DANGEROUS SUBSTANCES**) of
30 the Criminal Law Article;
- 31 (ix) § 6-105 (**MALICIOUS BURNING OF PERSONAL PROPERTY IN**
32 **THE SECOND DEGREE**), § 6-108 (**BURNING THE CONTENTS OF A TRASH CONTAINER**),
33 § 6-206 (**BREAKING AND ENTERING A MOTOR VEHICLE - ROGUE AND VAGABOND**), §
34 6-303 (**ELECTRICAL PUBLIC UTILITY INTERFERENCE**), § 6-306 (**REMOVAL OR**
35 **DEFACEMENT OF SERIAL NUMBER ON MANUFACTURED GOOD**), § 6-307 (**SALE OR**
36 **POSSESSION OF STOLEN SERIAL NUMBER**), § 6-402 (**TRESPASS ON POSTED**

1 PROPERTY), or § 6-503 (UNAUTHORIZED ACCESS TO RAILROAD VEHICLE OR
2 PROPERTY) of the Criminal Law Article;

3 (x) § 7-104 (THEFT), § 7-203 (UNAUTHORIZED REMOVAL OF
4 PROPERTY), § 7-205 (FAILURE TO RETURN RENTAL VEHICLE), § 7-304 (OBTAINING
5 OR SELLING TELEPHONE RECORDS WITHOUT AUTHORIZATION), OR § 7-308[, or §
6 7-309] (UNAUTHORIZED TRANSFER OF RECORDED SOUNDS OR IMAGES) of the
7 Criminal Law Article;

8 (xi) § 8-103 (OBTAINING PROPERTY OR SERVICES BY BAD
9 CHECK), § 8-206 (CREDIT CARD FRAUD), § 8-401 (FRAUDULENT CONVERSION OF
10 PARTNERSHIP ASSETS), § 8-402 (FRAUDULENT MISREPRESENTATION BY
11 CORPORATE OFFICER OR AGENT), § 8-404 (ESTABLISHING, OPERATING, OR
12 PROMOTING A PYRAMID PROMOTIONAL SCHEME), § 8-406 (MISUSE OF DOCUMENTS
13 OF TITLE), § 8-408 (UNLAWFUL SUBLEASING OF MOTOR VEHICLE), § 8-503 (PUBLIC
14 ASSISTANCE FRAUD), § 8-521 (FRAUDULENTLY OBTAINING LEGAL REPRESENTATION
15 FROM OFFICE OF THE PUBLIC DEFENDER), § 8-523 (MAKING FALSE STATEMENT
16 RELATING TO HOUSING ASSISTANCE), or § 8-904 (RACING HORSE UNDER FALSE
17 NAME) of the Criminal Law Article;

18 (xii) § 9-204 (BRIBERY OF PERSON PARTICIPATING IN OR
19 CONNECTED WITH ATHLETIC CONTEST), § 9-205 (ACCEPTANCE OF BRIBE BY PERSON
20 PARTICIPATING IN OR CONNECTED WITH ATHLETIC CONTEST), § 9-503 (FALSE
21 STATEMENT TO PUBLIC OFFICIAL CONCERNING CRIME OR HAZARD), or § 9-506
22 (FALSIFYING OR CONCEALING A MATERIAL FACT IN CONNECTION WITH AN
23 APPLICATION FOR FUNDS FROM THE MARYLAND HIGHER EDUCATION
24 COMMISSION) of the Criminal Law Article;

25 (xiii) § 10-110 (LITTERING), § 10-201 (DISTURBING THE PUBLIC
26 PEACE AND DISORDERLY CONDUCT), § 10-402 (UNAUTHORIZED REMOVAL OF HUMAN
27 REMAINS FROM A BURIAL SITE), OR § 10-404[, or § 10-502] (DAMAGING OR REMOVING
28 FUNERARY OBJECTS) of the Criminal Law Article;

29 (xiv) § 11-306(a) (PROSTITUTION) of the Criminal Law Article;

30 (xv) § 12-102 (BETTING, WAGERING, OR GAMBLING), § 12-103
31 (PLAYING CERTAIN GAMES FOR MONEY), § 12-104 (KEEPING A GAMING DEVICE OR
32 PLACE FOR GAMBLING), § 12-105 (OFFSHORE GAMBLING), § 12-109 (PREARRANGING
33 HORSE RACE RESULTS), § 12-203 (HOLDING A LOTTERY OR SELLING A LOTTERY
34 DEVICE), § 12-204 (KEEPING A HOUSE, OFFICE, OR OTHER PLACE FOR THE PURPOSE
35 OF SELLING OR BARTERING A LOTTERY DEVICE), § 12-205 (POSSESSION OF LOTTERY
36 DEVICE OR LOTTERY RECORDS), or § 12-302 (POSSESSION OR OPERATION OF SLOT
37 MACHINE) of the Criminal Law Article;

1 (xvi) § 13-401 (FAILURE TO INCLUDE AUTHORITY LINE IN
2 CAMPAIGN MATERIAL), § 13-602 (MISCELLANEOUS PROHIBITED ACTS RELATING TO
3 CAMPAIGN FINANCE), or § 16-201 (OFFENSES RELATING TO VOTING) of the Election
4 Law Article;

5 (xvii) § 4-509 (VIOLATION OF PROTECTIVE ORDER) of the Family
6 Law Article;

7 (xviii) § 18-215 (VIOLATIONS RELATING TO INFECTIOUS OR
8 CONTAGIOUS DISEASE REPORTS) of the Health – General Article;

9 (xix) § 4-411 (MAKING FALSE STATEMENT OR REPORT IN
10 CONNECTION WITH THE RENTAL HOUSING PROGRAM) or § 4-2005 (MAKING FALSE
11 STATEMENT OR REPORT IN CONNECTION WITH THE ENERGY-EFFICIENT HOMES
12 CONSTRUCTION LOAN PROGRAM) of the Housing and Community Development Article;

13 (xx) § 27-403 (FAILURE TO RETURN PREMIUMS; FALSE OR
14 MISLEADING CLAIMS), § 27-404 (DOING BUSINESS WITH UNLICENSED PERSONS), §
15 27-405 (REPRESENTATIONS TO PUBLIC BY UNLICENSED PERSONS), § 27-406 (FALSE
16 APPLICATIONS AND STATEMENTS; UNREGULATED INSURERS), § 27-406.1
17 (FRAUDULENT INSURANCE ACTS OF INDIVIDUAL SURETIES), § 27-407
18 (SOLICITATION), § 27-407.1 (INTENTIONAL MOTOR VEHICLE ACCIDENT), or §
19 27-407.2 (COMPENSATION FOR DEDUCTIBLE) of the Insurance Article;

20 (xxi) [§ 5-307,] § 5-308 (POSSESSION OF HANDGUN PERMIT
21 REQUIRED), § 6-602 (INTERFERENCE WITH, OBSTRUCTION OF, FALSE
22 REPRESENTATION TO, OR IMPERSONATING STATE FIRE MARSHAL), § 7-402
23 (INTERFERENCE WITH, OBSTRUCTION OF, FALSE REPRESENTATION TO, OR
24 IMPERSONATING FIREFIGHTER, RESCUE SQUAD MEMBER, OR EMERGENCY
25 SERVICES PERSONNEL), or § 14-114 (VIOLATION OF ORDER, RULE, OR REGULATION
26 ISSUED UNDER THE MARYLAND EMERGENCY MANAGEMENT ACT) of the Public
27 Safety Article;

28 (xxii) § 7-318.1 (VIOLATIONS BY FORECLOSURE CONSULTANT), [§
29 7-509] TITLE 7, SUBTITLE 5 (MARYLAND MORTGAGE ASSISTANCE RELIEF
30 SERVICES ACT), or § [10-507] 10-507(B)(3) (CUSTOM HOME PROTECTION ACT) of
31 the Real Property Article;

32 (xxiii) § 9-124 (LOTTERY VIOLATIONS) of the State Government
33 Article; OR

34 (xxiv) § 13-1001 (WILLFUL FAILURE TO FILE TAX RETURN), §
35 13-1004 (FALSE RETURN OR FALSE CLAIM FOR REFUND BY INCOME TAX RETURN
36 PREPARER), § 13-1007 (VIOLATIONS OF INCOME TAX WITHHOLDING

1 **REQUIREMENTS), or § 13–1024 (WILLFUL FAILURE TO PROVIDE INFORMATION WITH**
 2 **INTENT TO EVADE PAYMENT OF TAX) of the Tax – General Article;**

3 **[(xxv)] (2) the common law [offenses] OFFENSE of affray, rioting,**
 4 **criminal contempt, battery, or hindering; [or]**

5 **[(2)] (3) a felony that is a violation of:**

6 (i) ~~§ 10–402~~ **§ 10–402(A) OF THE COURTS ARTICLE (WIRETAP**
 7 **ACT – DIVULGING INTERCEPTING, DISCLOSING, OR USING CONTENTS OF**
 8 **COMMUNICATIONS);**

9 **(II) § 7–104 (THEFT) of the Criminal Law Article;**

10 **[(ii)] (III) the prohibition against possession with intent to**
 11 **distribute a controlled dangerous substance under § 5–602(2) of the Criminal Law Article;**
 12 **[or]**

13 **[(iii)] (IV) § 6–202(a) (FIRST-DEGREE BURGLARY), § 6–203**
 14 **(SECOND-DEGREE BURGLARY), or § 6–204 (THIRD-DEGREE BURGLARY) of the**
 15 **Criminal Law Article; or**

16 **(V) § 10–502 (BIGAMY) OF THE CRIMINAL LAW ARTICLE; OR**

17 **[(3)] (4) an attempt, a conspiracy, or a solicitation of any offense listed in**
 18 **[item (1) or (2)] ITEMS (1) THROUGH (3) of this subsection.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.