

# SENATE BILL 394

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9lr1273  
CF HB 259

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By: **Senators Waldstreicher, Hough, Smith, and West**

Introduced and read first time: January 31, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Boating Offenses**

3 FOR the purpose of authorizing a person to file a petition for expungement of certain  
4 records based on a conviction for certain criminal boating offenses; making certain  
5 stylistic changes; and generally relating to expungement for certain criminal boating  
6 offenses.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 10–110(a)

10 Annotated Code of Maryland

11 (2018 Replacement Volume)

12 BY repealing and reenacting, without amendments,

13 Article – Natural Resources

14 Section 8–725.3(a), 8–725.4(b)(1) and (3), 8–725.5(a), 8–725.6(a), 8–726(a),

15 8–726.1(b), 8–727.1(b), and 8–738.2(a)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 10–110.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           (1) a misdemeanor that is a violation of:
- 2                   (i) § 6–320 of the Alcoholic Beverages Article;
- 3                   (ii) an offense listed in § 17–613(a) of the Business Occupations and  
4 Professions Article;
- 5                   (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of  
6 the Business Regulation Article;
- 7                   (iv) § 3–1508 or § 10–402 of the Courts Article;
- 8                   (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law  
9 Article;
- 10                  (vi) § 5–211 of this article;
- 11                  (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 12                  (viii) § 5–601 not involving the use or possession of marijuana, §  
13 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;
- 14                  (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or  
15 § 6–503 of the Criminal Law Article;
- 16                  (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the  
17 Criminal Law Article;
- 18                  (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §  
19 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 20                  (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 21                  (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the  
22 Criminal Law Article;
- 23                  (xiv) § 11–306(a) of the Criminal Law Article;
- 24                  (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §  
25 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 26                  (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 27                  (xvii) § 4–509 of the Family Law Article;
- 28                  (xviii) § 18–215 of the Health – General Article;

1 (xix) § 4–411 or § 4–2005 of the Housing and Community Development  
2 Article;

3 (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, §  
4 27–407.1, or § 27–407.2 of the Insurance Article;

5 (xxi) **§ 8–725.3, § 8–725.4, § 8–725.5, § 8–725.6, § 8–726, §**  
6 **8–726.1, § 8–727.1, OR § 8–738.2 OF THE NATURAL RESOURCES ARTICLE OR ANY**  
7 **PROHIBITED ACT RELATED TO SPEED LIMITS FOR PERSONAL WATERCRAFT;**

8 (XXII) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public  
9 Safety Article;

10 [(xxii)] (XXIII) § 7–318.1, § 7–509, or § 10–507 of the Real Property  
11 Article;

12 [(xxiii)] (XXIV) § 9–124 of the State Government Article;

13 [(xxiv)] (XXV) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of  
14 the Tax – General Article; **OR**

15 [(xxv)] (XXVI) the common law offenses of affray, rioting, criminal  
16 contempt, battery, or hindering; [or]

17 (2) a felony that is a violation of:

18 (i) § 7–104 of the Criminal Law Article;

19 (ii) the prohibition against possession with intent to distribute a  
20 controlled dangerous substance under § 5–602(2) of the Criminal Law Article; or

21 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

22 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item  
23 (1) or (2) of this subsection.

## 24 Article – Natural Resources

25 8–725.3.

26 (a) A person may not operate any vessel on the Severn River from April 15, 1989  
27 to October 15, 1989 in excess of 40 miles per hour during the following days and times:

28 (1) A Saturday;

29 (2) A Sunday;

1 (3) A State holiday; and

2 (4) Any other day from sundown to sunrise.

3 8-725.4.

4 (b) (1) Except as provided in subsection (d) of this section, a person may not  
5 operate a vessel on the waters of the State so as to exceed a noise level of 90dB(a).

6 (3) An owner or lessee of a vessel may not allow the vessel to be operated  
7 on waters of the State in violation of paragraph (1) of this subsection.

8 8-725.5.

9 (a) A person may not operate a vessel on Seneca Creek in Montgomery County at  
10 a speed in excess of 6 knots.

11 8-725.6.

12 (a) A person may not operate a vessel on the Monocacy River between Starner's  
13 Dam and the upstream island in Carroll and Frederick counties at a speed in excess of 6  
14 knots.

15 8-726.

16 (a) A person may not throw, dump, deposit, or cause to be thrown, dumped, or  
17 deposited any trash, junk, or other refuse on any waters of the State.

18 8-726.1.

19 (b) Ballast, ashes, filth, earth, oysters, or oyster shells may not be deposited from  
20 a vessel to a site:

21 (1) In the Chesapeake Bay above Sandy Point;

22 (2) In Herring Bay; or

23 (3) Below the high water mark in a river, creek, or harbor in the State.

24 8-727.1.

25 (b) Except as provided in subsection (c) of this section, an individual who is on a  
26 vessel may not display or operate a flashing, alternating red and yellow light or signal  
27 device.

28 8-738.2.

1           (a)    A person may not:

2                   (1)    Operate a vessel recklessly or in a manner that may endanger another  
3 or the property of another on a bay, creek, lake, river, or stream in the State; or

4                   (2)    Come into a wharf or bathing shore recklessly or in a manner that may  
5 endanger a person or property.

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