

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 First Reader

Senate Bill 833 (Senator Carter, *et al.*)  
 Judicial Proceedings

Criminal Procedure - Expungement - Expansion

This bill makes several changes to the expungement statutes, including (1) requiring the automatic expungement of records associated with specified types of dispositions and (2) expanding eligibility to file a petition for expungement of records pertaining to a conviction for a misdemeanor, as specified, or a felony other than a crime of violence, a crime requiring registration as a sexual offender, a hate crime, or a crime of animal cruelty.

Fiscal Summary

**State Effect:** General fund expenditures increase by at least \$1.8 million in FY 2020. Future year expenditures reflect annualization and ongoing costs. General fund revenues increase minimally beginning in FY 2020.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
GF Revenue	-	-	-	-	-
GF Expenditure	\$1,799,800	\$1,665,800	\$1,721,000	\$1,780,100	\$1,841,300
Net Effect	(\$1,799,800)	(\$1,665,800)	(\$1,721,000)	(\$1,780,100)	(\$1,841,300)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local expenditures increase depending on staffing needs. Minimal increase in local revenues.

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *Expungement of Warrants*

The bill (1) redefines a “police record” to include an arrest warrant, invalidated warrant, and a fugitive warrant and (2) authorizes a person who is the subject of an invalidated warrant or a fugitive warrant to file a petition for expungement of the applicable records if the warrant is dismissed or otherwise invalidated.

#### *Automatic Expungements*

A person who, on or after October 1, 2019, has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed; who has been charged with a civil offense or infraction (except a juvenile offense); or who is the subject of an invalidated warrant or a fugitive warrant is entitled to *automatic expungement* of all police records, court records, and other records maintained by the State or a political subdivision of the State relating to the matter if (1) the person is acquitted; (2) the charge or warrant is dismissed or invalidated; (3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article (alcohol- and/or drug-related driving offenses); (4) a *nolle prosequi* other than a *nolle prosequi* with the requirement of drug or alcohol treatment is entered; or (5) the court indefinitely postpones trial of the charge by marking the charge “stet” on the docket, without a requirement of drug or alcohol treatment.

Automatic expungement must occur immediately on disposition for an acquittal, dismissal, or a *nolle prosequi* other than a *nolle prosequi* with the requirement of drug or alcohol treatment. A probation before judgment disposition is eligible for automatic expungement after satisfactory completion of any probationary conditions imposed in connection with the probation before judgment disposition.

A stet other than a stet with the requirement of drug or alcohol treatment is eligible for automatic expungement three years after the entry of stet. A court or police record may not be expunged by obliteration until three years after the disposition of the charge. During this time, the records must be moved to a separate secure area to which persons who do not have a legitimate reason for access are denied access. A legitimate reason for accessing the records includes using the records for purposes of proceedings relating to the arrest or charge.

The bill establishes timelines for the court, law enforcement units, and other entities to expunge applicable records. If a court, a law enforcement unit, a booking facility, or the Central Repository fails to expunge a record as specified, the person entitled to expungement may seek redress by means of any appropriate legal remedy and recover court costs.

A person entitled to automatic expungement may not be required to pay any fee or costs in connection with the expungement. At the time of making a disposition eligible for automatic expungement, the court must inform the defendant that all police records, court records, and other records relating to the matter will be automatically expunged unless the defendant opts out of the expungement. A person entitled to automatic expungement may opt out of the automatic expungement by notifying the court at the time of disposition. However, opting out of expungement of a particular charge does not bar expungement of other eligible charges.

A person who seeks to expunge charges that occurred before October 1, 2019, that are eligible for automatic expungement on or after October 1, 2019, must file a petition for expungement under § 10-105 of the Criminal Procedure Article, as amended by the bill.

#### *Petitions for Expungement of a Conviction*

The bill repeals the expungement provisions under § 10-110 of the Criminal Procedure Article, which were enacted pursuant to Chapter 515 of 2016 (Justice Reinvestment Act) and subsequent legislation.

The following individuals are eligible to file petitions for expungement under § 10-105 of the Criminal Procedure Article, as amended by the bill:

- a person found guilty of a civil offense (3-year waiting period);
- a person convicted of a misdemeanor (5-year waiting period, but convictions for second-degree assault, common law battery, or a domestically related crime are subject to a 10-year waiting period); and
- a person convicted of a felony, other than a crime of violence under § 14-101 of the Criminal Law Article; a crime requiring registration as a sexual offender; a hate crime; or a crime of animal cruelty (10-year waiting period).

With respect to petitions for expungement of a conviction for a misdemeanor or felony, the bill incorporates into § 10-105 many of the provisions contained in § 10-110, including provisions related to (1) victim notification, (2) objections by State's Attorneys and victims, and (3) items that a court must find and state on the record after a hearing before ordering the expungement of records.

However, the bill does not incorporate the following provisions contained in § 10-110: (1) if a person petitioning for expungement of a conviction is convicted of a new crime during the applicable waiting period, the original conviction is not eligible for expungement until the new conviction becomes eligible for expungement; (2) a person is not eligible for expungement if the person is a defendant in a pending criminal proceeding; and (3) if a person is not eligible for expungement of one conviction in a unit, the person is not eligible for expungement of any conviction in the unit.

The bill also repeals provisions under § 10-105 that deem a person ineligible for expungement if (1) the person is a defendant in a pending criminal proceeding or (2) the petition is based on a probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person, within three years of the entry of the probation before judgment, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime.

**Current Law:** In general, §§ 10-105 and 10-110 of the Criminal Procedure Article establish eligibility for the expungement of records pertaining to a criminal charge or conviction. Expungement of a court or police record means removal from public inspection:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

#### *Section 10-105 of the Criminal Procedure Article*

Under § 10-105 of the Criminal Procedure Article, a person who has been charged with the commission of a crime for which a term of imprisonment may be imposed or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State, under various circumstances listed in the statute. These grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, stet of charge, and gubernatorial pardon. Individuals convicted of a crime that is no longer a crime, convicted of possession of marijuana under § 5-601 of the Criminal Procedure Article, or convicted of or found not criminally responsible for specified public nuisance crimes or specified misdemeanors are also eligible for expungement of the associated criminal records under certain circumstances.

If two or more charges, other than one for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit. If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge in the unit.

A person is not entitled to expungement if (1) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person, within three years of the entry of the probation before judgment, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime or (2) the person is a defendant in a pending criminal proceeding.

### *Section 10-110 of the Criminal Procedure Article*

Chapter 515 of 2016, also known as the Justice Reinvestment Act, established the availability of and procedures for expungements under § 10-110 of the Criminal Procedure Article. Chapter 515 expanded eligibility for expungements by authorizing an individual convicted of any of a list of approximately 100 specified misdemeanor offenses and the felony of bigamy (or an attempt, a conspiracy, or a solicitation of any of these offenses) to file a petition for expungement of the conviction, subject to specified procedures and requirements. Chapter 143 of 2018 further expanded eligibility for expungement to include convictions for the following felonies: theft under § 7-104 of the Criminal Law Article, possession with intent to distribute a controlled dangerous substance under § 5-602(2) of the Criminal Law Article, and burglary under §§ 6-202(a), 6-203, or 6-204 of the Criminal Law Article. **Appendix – Convictions Eligible for Expungement** contains an itemized list of convictions eligible for expungement under Chapter 515 of 2016 and Chapter 143 of 2018. If a person is not eligible for expungement of one conviction in a unit, the person is not eligible for expungement of any other conviction in the unit.

In general, a petition for expungement of these convictions is subject to a 10-year waiting period from when the petitioner completed the sentences imposed for all convictions for which expungement is sought, including parole, probation, or mandatory supervision. However, a petition for expungement of a felony or a conviction for misdemeanor second-degree assault, common law battery, or for an offense classified as a domestically related crime under § 6-233 of the Criminal Procedure Article is subject to a 15-year waiting period.

**Background:** As shown in **Exhibit 1**, the Judiciary advises that during fiscal 2018, there were 62,631 petitions for expungement filed in the District Court (53,771 cases expunged) and 7,909 petitions filed in the circuit courts (6,361 cases expunged).

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**Exhibit 1**  
**Expungement Petitions Filed in the District Court and the Circuit Courts**  
**Fiscal 2014-2018**

<u>Year</u>	<u>District Court Expungement Petitions Filed</u>	<u>Circuit Courts Expungement Petitions Filed</u>
2014	35,737	4,025
2015	32,726	2,448
2016	39,706	4,706
2017	47,697	6,811
2018	62,631	7,909

Source: Maryland Judiciary

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In general, the number of expungements received by the Criminal Justice Information System (CJIS) within the Department of Public Safety and Correctional Services (DPSCS) has steadily increased over the years, as shown in **Exhibit 2**. CJIS advises that this increase is due to legislation expanding eligibility for expungements and an increase in the number of occupations and employers requiring background checks. The numbers shown in the exhibit do not include expungements for individuals released without being charged with a crime. Those expungements are handled through a fairly automated process and involve significantly less work than other types of expungements.

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**Exhibit 2**  
**CJIS Expungements**  
**Calendar 2004-2018**

<u>Year</u>	<u>CJIS Expungements</u>	<u>Year</u>	<u>CJIS Expungements</u>
2004	15,769	2012	30,654
2005	16,760	2013	34,207
2006	20,612	2014	33,801
2007	21,772	2015	36,412
2008	24,200	2016	41,854
2009	25,146	2017	48,211
2010	27,199	2018	59,026
2011	20,492		

CJIS: Criminal Justice Information System

Source: Criminal Justice Information System; Department of Public Safety and Correctional Services

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## *Crimes of Violence*

Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) an attempt to commit crimes (1) through (15); (17) continuing course of certain sexual conduct with a child; (18) assault in the first degree; and (19) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

**State Revenues:** General fund revenues increase minimally from filing fees for petitions for expungement of convictions filed in the District Court under the bill. The District Court charges a \$30 filing fee for a petition for expungement of a conviction. The bill’s prohibition on the imposition of a fee for automatic expungements does not affect District Court revenues. The District Court does not charge a filing fee for a petition for expungement of a charge with a disposition other than a conviction.

**State Expenditures:** General fund expenditures increase by at least \$1,799,795 in fiscal 2020 for the Judiciary and DPSCS to implement the bill’s provisions. Future year expenditures are annualized and reflect ongoing costs.

This estimate does not address any feasibility issues with implementing the bill by its October 1, 2019 effective date. The bill states that “opting out of expungement of a particular charge does not bar expungement of other eligible charges.” However, the bill does not amend § 10-107 of the Criminal Procedure Article, which contains provisions often referred to as the “unit rule.” The Judiciary advises that while its CaseSearch system cannot remove data at the charge level, its new system, CaseSearch 2.0, will have this functionality. CaseSearch 2.0 is expected to debut in 2021 and cannot be deployed until the Maryland Electronic Courts System (MDEC) is fully operational statewide (also slated for 2021).

## *Judiciary*

General fund expenditures for the Judiciary increase by \$1,339,587 in fiscal 2020, which accounts for the bill’s October 1, 2019 effective date. This estimate reflects the cost of hiring 12 District Court clerks (1 additional clerk in each of the 12 districts) and 10 circuit court clerks (2 additional clerks in the five jurisdictions with the highest case volume – (Baltimore City and Anne Arundel, Baltimore, Prince George’s, and Montgomery counties)

to process expungements in accordance with the bill’s requirements. It includes salaries, fringe benefits, one-time start-up costs (including computer reprogramming costs), and ongoing operating expenses.

Positions	22
Salaries and Fringe Benefits	\$955,726
Computer Reprogramming	265,968
Operating Expenses	<u>117,893</u>
<b>Total FY 2020 Judiciary Expenditures</b>	<b>\$1,339,587</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

The Judiciary advises that the bill requires a total of 41 additional clerks (12 clerks in the District Court and 29 clerks in the circuit courts) to assist with processing expungements. This includes sending orders for expungement of records to applicable agencies, tracking compliance with expungement orders by other affected agencies, retrieval of records, and review of records.

The Department of Legislative Services (DLS) advises that while the bill increases court workloads, the level of case activity in many of the smaller jurisdictions does not necessitate an immediate need for additional personnel. The Judiciary has historically advised that expungements currently take 1.5 hours for non-MDEC records and 1.0 hour for MDEC records. While 21 of the State’s 24 jurisdictions are on MDEC, several larger jurisdictions (Baltimore City and Montgomery and Prince George’s counties) are not on MDEC. According to the current timeline, all courts will be on MDEC by 2021. Should a more automated process be developed, the Judiciary may experience operational efficiencies or personnel needs may decrease. However, personnel needs for the Judiciary may increase if actual workloads to comply with the bill’s provisions exceed these parameters. Actual experience is needed to assess personnel needs given the ongoing implementation of MDEC and the expansion of expungement that occurs under the bill. Furthermore, the Judiciary received 18 clerk positions to assist with Justice Reinvestment Act expungements.

This estimate does not include additional costs for software. The Judiciary advises that it needs \$500,000 in redaction software for automatic expungements but did not provide information regarding the use of and costs associated with this software in time for the preparation of this fiscal and policy note.

**Exhibit 3** contains fiscal 2017 statistics from the Judiciary on some of the types of dispositions eligible for automatic expungement or expanded eligibility to file a petition for expungement under the bill.

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**Exhibit 3**  
**Dispositions Eligible for Expungement under the Bill**  
**Fiscal 2017**

<u>Disposition</u>	<u>District Court</u>	<u>Circuit Courts</u>	<u>Total</u>
<b>Automatic Expungements</b>			
<i>Nolle Prosequi</i> (upon disposition)	278,789	10,225	289,014
Probation after judgment (after satisfactory completion of any sentence and probationary conditions imposed)	44,447	5,781	50,228
Stet*	58,642	4,374	63,016
Three years after the entry of stet			
Fugitive warrants	2,257	N/A	2,257
Acquittals and dismissals (upon disposition)	Unavailable	Unavailable	Unavailable
<b>Petition-based Expungements</b>			
Convictions for crimes punishable by imprisonment for less than three years**	8,526	7,353	15,879
Convictions for felonies that are not crimes of violence	409	12,730	13,139
<b>Total</b>			<b>433,533</b>

\*Does not distinguish between current cases that have the requirement of drug or alcohol treatment for stet dispositions that would make the individual ineligible for automatic expungement.

\*\*The bill specifies that crimes with *a sentence of three years* or less qualify for expungement.

Source: Maryland Judiciary

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*Department of Public Safety and Correctional Services*

CJIS advises that it needs 11 employees (1 administrator, 2 administrative officers, and 8 administrative specialists), at a cost of \$682,024 in fiscal 2020. This would more than double the size of its existing expungement unit (10 employees). DLS concurs that the bill significantly increases CJIS's workload and that CJIS needs to hire additional staff to implement the bill. However, without actual experience under the bill, the exact number of additional personnel CJIS needs cannot be readily determined at this time.

CJIS responds to court orders for expungement, which may include multiple charges/dispositions. As previously stated, one person may represent multiple charges. Information is not readily available on the average number of charges associated with a defendant. The need for additional personnel beyond this estimate depends on the number

of expungement orders generated by the bill's changes to the expungement of charges (including automatic expungements) and the need for supervision within the expungement unit.

Regardless, DLS advises that general fund expenditures for DPSCS increase by at least \$460,208 in fiscal 2020, which accounts for the bill's October 1, 2019 effective date. This estimate reflects the cost of hiring five administrative specialists and one administrative officer to process expungements in accordance with the bill's provisions and supervise employees. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	6
Salaries and Fringe Benefits	\$278,055
Computer Reprogramming	150,000
Operating Expenses	<u>32,153</u>
<b>Minimum FY 2020 DPSCS Expenditures</b>	<b>\$460,208</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

This estimate does not include any costs for DPSCS should the bill be interpreted as requiring expungement of individual charges within a unit of charges. Based on fiscal estimates for other legislation, the level of effort for DPSCS associated with legislation requiring such expungements includes \$252,000 in computer reprogramming costs, \$210,000 in hardware and software, and additional costs for personnel.

#### *State Insurance Trust Fund*

The bill authorizes a petition for expungement based on an acquittal, *nolle prosequi*, or a dismissal that occurred before October 1, 2019, may be filed immediately. The bill also specifies that (1) a police or court record expunged under the automatic expungement provisions may not be expunged by obliteration until three years after the disposition of the charge; (2) during this three-year period, the records must be removed to a separate secure area to which persons who do not have legitimate reason for access are denied access; and (3) a legitimate reason for access includes using the records for purposes of proceedings relating to the arrest or charge. The language in the automatic expungement provisions is similar to the language in § 10-103.1 of the Criminal Procedure Article for expungements of police records after a person is released without being charged with the commission of a crime.

Assuming that the bill's provisions regarding the filing of petitions for expungement of the dispositions mentioned above that are still within or will be within the current three-year

waiting period and the provisions regarding the automatic expungements of these dispositions do not hinder the ability of the State to access relevant expunged records that are connected to a lawsuit against the State, the bill does not have a material effect on special fund expenditures from the State Insurance Trust Fund (SITF) and general fund expenditures for agencies that are the subject of applicable tort claims.

The three-year waiting period for expungements for acquittal, *nolle prosequi*, and dismissal dispositions under existing statute is related to the three-year statute of limitations for civil causes of action. If a police and/or court record is expunged prior to receipt or notification of a claim under the Maryland Tort Claims Act (MTCA) by the Treasurer's Office, then the Treasurer's Office may encounter difficulties in investigating claims or may have to pay higher amounts for these claims as a result of hindered investigations, if it is not permitted to access the expunged records. False imprisonment by law enforcement is an example of the type of MTCA claim that may be related to an expunged record. Claims under MTCA are paid out of SITF, which is administered by the Treasurer's Office. Agencies pay premiums to SITF that are comprised of an assessment for each employee covered and SITF payments for torts committed by the agency's employees.

**Local Revenues:** Depending on the number of petitions filed for expungement of a conviction, the bill may result in a minimal increase in local revenues. The circuit courts charge a \$30 filing fee for a petition for expungement of a conviction. The bill's prohibition on the imposition of a fee for automatic expungements does not affect circuit court revenues. The circuit courts do not charge a filing fee for a petition for expungement of a disposition other than a conviction.

**Local Expenditures:** Local expenditures increase depending on the need for personnel in affected local agencies (*e.g.*, police departments, State's Attorneys offices). Circuit court expungement clerks are funded with State general funds. The following information was provided by local jurisdictions regarding the potential fiscal effects of the bill:

- the Montgomery County Police Department (MCPD) advises that its expungement unit currently handles approximately 1,000 orders per month. According to MCPD, the unit is at its workload capacity and has had to resort to overtime and compensatory time. MCPD estimates that the bill doubles its workload, requiring additional personnel at a cost of approximately \$200,000 per year.
- Washington County advises that the bill has an impact on its records personnel. Washington County advises that the bill creates substantial additional paperwork for administrative assistants at the Office of the State's Attorney.
- The Maryland State's Attorneys' Association advises that the bill has no operational or fiscal effect on prosecutors.

- The City of Westminster advises that the bill has a significant effect on its expenditures and may require an additional staff member.

Assuming that the bill does not hinder the ability of local governments to access relevant court records in connection with litigation against the jurisdiction, the bill does not affect local expenditures for higher payments for claims under the Local Government Tort Claims Act and insurance premiums.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 977 (Delegate Mosby, *et al.*) - Judiciary.

**Information Source(s):** Montgomery, Washington, and Worcester counties; City of Westminster; towns of Bel Air and Leonardtown; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Maryland State Archives; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2019  
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# Appendix – Convictions Eligible for Expungement

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## Convictions Eligible for Expungement under Section 10-110 of the Criminal Procedure Article

### Misdemeanors Eligible for Expungement

#### Alcoholic Beverages Article

AB, § 6-320 – Disorderly Intoxication

#### Business Occupations and Professions Article

BOP, § 17-613(a): Crimes relating to real estate brokers and agents (*e.g.*, failure to deposit money in trust accounts, engaging in discriminatory real estate practices, acting as a dual agent, providing brokerage services without a license, etc.)

#### Business Regulation Article

BR, § 5-610: Violation of Business Regulation Article, Title 5, Subtitle 6 (perpetual care of cemeteries)

BR, § 5-712: Failure to deposit money received under or in connection with a preneed burial contract

BR, § 5-904: Violation of any provision of Title 5, Subtitle 9 of the Business Regulation Article (cemetery-related violations – failure to register as operator, operating a cemetery without the proper form of business entity, and unauthorized representations)

BR, § 19-304: Violations of laws relating to returnable containers and returnable textiles (improper use, improper registration, defacing, etc.)

BR, § 19-308: Violations of laws relating to plastic secondary packaging

#### Courts and Judicial Proceedings Article

CJ, § 3-1508: Failure to comply with a peace order

CJ, § 10-402: Divulging contents of communications (subsection (d))

#### Commercial Law Article

CL, § 14-1915: Violations of the Maryland Credit Services Businesses Act

CL, § 14-2902: False and fraudulent advertising

CL, § 14-2903: Bait and switch

## Criminal Procedure Article

CP, § 5-211: Failure to surrender after forfeiture of bail or recognizance

## Criminal Law Article

CR, § 3-203: Assault in the second degree (misdemeanor)

CR, § 3-808: Filing a fraudulent lien or encumbrance

CR, § 5-601: Possession or administration of a controlled dangerous substance (not involving use or possession of marijuana)

CR, § 5-618: Possession or purchase of noncontrolled substance that the person reasonably believes is a controlled substance

CR, § 5-619: Use or possession of drug paraphernalia

CR, § 5-620: Obtaining, possessing, or distributing controlled paraphernalia

CR, § 5-703: Unsolicited mailing of a controlled dangerous substance, prescription drug, or medicine

CR, § 5-708: Smelling or inhaling harmful substances

CR, § 5-902: Omitting, removing, altering, or obliterating a symbol required by federal law for a substance governed by Title 5 of the Criminal Law Article (controlled dangerous substance (CDS), prescriptions, and other substances); refusal or failure to maintain specified documentation required under Title 5; refusing entry into a premises or inspection of a premises authorized under Title 5), maintaining a place resorted to by others for illegal use of CDS or for the keeping or selling of a CDS; unauthorized manufacturing, dispensing, or distribution of CDS by a registrant; CDS/paraphernalia-related violations by authorized provider; and contraband

CR, § 6-105: Malicious burning of personal property in the second degree

CR, § 6-108: Willful and malicious burning of a trash container

CR, § 6-206: Breaking and entering a motor vehicle – rogue and vagabond

CR, § 6-303: Public utility interference – electrical equipment

CR, § 6-306: Alteration of manufacturer's serial number or sale of good with altered serial number

CR, § 6-307: Sale or possession of stolen serial number or vehicle identification plate or possession of a manufactured serial number or vehicle identification plate with intent to affix to stolen property or use for fraudulent purposes

CR, § 6-402: Trespass on posted property

CR, § 6-503: Unauthorized riding on railroad vehicle or unauthorized entry onto railroad property

CR, § 7-104: General theft (less than \$100 and at least \$100 but less than \$1,500)

CR, § 7-203: Unauthorized removal of property

CR, § 7-205: Abandonment of or failure to return leased or rented motor vehicle

CR, § 7-304: Obtaining telephone records without authorization

CR, § 7-308: Prohibited transfer of recorded sounds or images (penalty contained in CR, § 7-309)

CR, § 8-103: Obtaining property or services by bad check (less than \$100 and at least \$100 but less than \$1,500)

CR, § 8-206: Misdemeanor credit card crimes (less than \$100 and at least \$100 but less than \$1,500)

CR, § 8-401: Fraudulent conversion of partnership assets

CR, § 8-402: Fraudulent misrepresentation by corporate officer or agent

CR, § 8-404: Pyramid promotional schemes

CR, § 8-406: Misuse of documents of title

CR, § 8-408: Unlawful subleasing of motor vehicle

CR, § 8-503: Public assistance fraud – generally

CR, § 8-521: Fraudulently obtaining legal representation from the Office of the Public Defender

CR, § 8-523: Housing assistance fraud, making false statements

CR, § 8-904: Racing a horse under a name other than its registered name

CR, § 9-204: Bribing a person participating in or connected with an athletic contest

CR, § 9-205: Acceptance of a bribe by a person participating in or connected with an athletic contest

CR, § 9-503: Making a false statement to a State or local official/agency concerning a crime or hazard

CR, § 9-506: Making a false statement on an application for funds from the Maryland Higher Education Commission

CR, § 10-110: Illegal Dumping and Violation of Litter Control Law

CR, § 10-201: Disturbing the peace and disorderly conduct

CR, § 10-402: Unlawful removing or attempting to remove human remains from burial site

CR, § 10-404: Removal or destruction of funerary objects, graveyard plants, disorderly conduct in graveyards

CR, § 10-502: Bigamy (listed as a misdemeanor but is a felony)

CR, § 11-306(a): Prostitution

CR, § 12-102: Betting, wagering, gambling, etc.; pool on races/contests

CR, § 12-103: Playing specified games for money (*e.g.*, craps, thimbles, etc.)

CR, § 12-104: Keeping a gaming device or a place for gambling

CR, § 12-105: Offshore gambling

CR, § 12-109: Prearrangement or predetermination of horse race results

CR, § 12-203: Holding a lottery or selling a lottery device

CR, § 12-204: Keeping a location for the sale or barter of lottery devices

CR, § 12-205: Importing a lottery device or possession of lottery records or money

CR, § 12-302: Unlawful possession or operation of a slot machine

## Election Law Article

EL, § 13-401: Failure to comply with authority line requirements in campaign material

EL, § 13-602: Specified campaign finance/election-related violations (*e.g.*, providing money/aid or a thing of value to induce or procure a vote, influence by employer of employee's vote, etc.)

EL, § 16-201: Voting-related offenses (*e.g.*, impersonation of another in order to vote, voting under a false name, etc.)

## Family Law Article

FL, § 4-509: Failure to comply with protective order

## Health General Article

HG, § 18-215: Violations relating to infectious or contagious disease reports

## Housing and Community Development Article

HCD, § 4-411: Making a false statement or report to the Department of Housing and Community Development (DHCD) for Rental Housing Program loan

HCD, § 4-2005: Making a false statement or report to DHCD for Energy-Efficient Homes Construction Loan Program loan

## Insurance Article (fraudulent insurance acts)

IN, § 27-403: Failure to return premiums, making false or misleading claims to an insurer

IN, § 27-404: Insurer doing business with unlicensed persons

IN, § 27-405: Representations to public by unlicensed persons

IN, § 27-406: False applications and statements; unregulated insurers

IN § 27-406.1: Fraudulent insurance acts of individual sureties

IN, § 27-407: Solicitation of injured persons; solicitation of clients for lawyer or health care practitioner

IN, § 27-407.1: Organizing, planning, or knowingly participating in an intentional motor vehicle accident

IN, § 27-407.2: Compensation for insurance deductible

## Public Safety Article

PS, § 5-307: Scope of handgun permit (listed in statute but is not a crime)

PS, § 5-308: Possession of handgun permit required

PS, § 6-602: Interference or obstruction of fire marshal, false representation as a fire marshal

PS, § 7-402: Interference, obstruction of fire or emergency services personnel

PS, § 14-114: Violation of order, rule, or regulation issued under Maryland Emergency Management Agency Act

### Real Property Article

RP, § 7-318.1: Failure of foreclosure consultant to obtain a real estate broker's license or violation by foreclosure consultant of Maryland Real Estate Brokers Act

RP, § 7-509: Does not refer to a prohibited act – penalty provision for violations of provisions of Maryland Mortgage Assistance Relief Services Act

RP, § 10-507: Violation of Custom Home Protection Act (subsection (b)(3))

### State Government Article

SG, § 9-124: Prohibited acts relating to State lottery

### Tax General

TG, § 13-1001: Willful failure to file tax return

TG, § 13-1004: Income tax preparer – false return, false claim for refund, or attempted tax evasion

TG, § 13-1007: Violations of income tax withholding requirements

TG, § 13-1024: Failure to provide information with intent to evade taxes

### Common Law Offenses

Affray

Battery

Criminal contempt

Hindering a law enforcement officer

Rioting

### **Felonies Eligible for Expungement**

### Criminal Law Article

CR, § 7–104: General Theft (at least \$1,500)

CR, § 5-602(2): Possession with intent to distribute a controlled dangerous substance

CR, § 6-202(a): Burglary in the first degree – breaking and entering with intent to commit theft

CR, § 6-203: Burglary in the second degree

CR, § 6-204: Burglary in the third degree

An attempt, conspiracy, or solicitation of any offense listed above is also eligible for expungement under CP, § 10-110