

HB1336/188073/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1336
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Expungement” insert “, Maryland Judiciary Case Search,”; strike beginning with “authorizing” in line 4 down through “records” in line 19 and substitute “authorizing a person to file a petition for expungement of certain records if the person is convicted of fourth degree burglary; prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of certain records relating to certain charges under certain circumstances; establishing the Partial Expungement Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study, develop a plan, and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to expungement of criminal records and the Maryland Judiciary Case Search”.

On page 2, strike in their entirety lines 8 through 12, inclusive; and after line 17, insert:

“BY adding to

Article – Criminal Procedure

Section 10–401 to be under the new subtitle “Subtitle 4. Maryland Judiciary Case Search Records”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

(Over)

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On pages 7 through 10, strike in their entirety the lines beginning with line 20 on page 7 through line 12 on page 10, inclusive.

AMENDMENT NO. 3

On page 10, in line 20, after “That” insert “the Laws of Maryland read as follows”; strike in their entirety lines 21 through 33, inclusive, and substitute:

“SUBTITLE 4. MARYLAND JUDICIARY CASE SEARCH RECORDS.

10-401.

THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO THE EXISTENCE OF RECORDS OF A CHARGE IN A CASE WITH ELECTRONIC RECORDS IF THE CHARGE RESULTED IN:

(1) ACQUITTAL;

(2) DISMISSAL; OR

(3) NOLLE PROSEQUI, EXCEPT NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Partial Expungement Workgroup.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

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(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Public Defender, or the Public Defender's designee;

(4) one representative of the Administrative Office of the Courts; and

(5) the President of the Maryland State's Attorneys' Association, or the President's designee.

(c) The Workgroup shall designate the chair of the Workgroup.

(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall study and develop a plan and legislative recommendations for enabling the expungement of criminal charges that are currently not eligible for expungement because of the requirements of § 10-107 of the Criminal Procedure Article.

(g) On or before January 5, 2021, the Workgroup shall report its plan and legislative recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article.

(Over)

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SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2020.”.

AMENDMENT NO. 4

On page 11, in line 1, strike “3.” and substitute “6.”; in the same line, strike “Section 2” and substitute “Sections 4 and 5”; in line 2, strike “October” and substitute “June”; and in the same line, after the period, insert “Section 3 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2021, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.