

HOUSE BILL 83

E2
HB 379/17 – JUD

0lr0450
CF SB 699

By: **Delegates Moon, Bartlett, Charkoudian, Crutchfield, Korman, Lehman, J. Lewis, ~~and Palakovich Carr~~ Palakovich Carr, Cardin, Conaway, D.M. Davis, and Shetty**

Introduced and read first time: January 13, 2020
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – ~~Automatic Expungement – Possession of Marijuana~~**
3 **Charge of Possession of Marijuana – Removal From Case Search**

4 FOR the purpose of ~~requiring all court records and police records relating to certain charges~~
5 ~~of possession of marijuana to be automatically expunged on or before certain dates~~
6 ~~under certain circumstances; requiring a certain court to initiate efforts to~~
7 ~~automatically expunge all court records and police records relating to a certain~~
8 ~~charge at a certain time; defining a certain term; prohibiting the Maryland Judiciary~~
9 ~~Case Search from in any way referring to the existence of a certain case in which~~
10 ~~possession of marijuana is the only charge in the case and the charge was disposed~~
11 ~~of before a certain date; providing for a delayed effective date; and generally relating~~
12 ~~to expungement charges of possession of marijuana.~~

13 BY adding to
14 Article – Criminal Procedure
15 Section ~~10-105.1~~ 10-111
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 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**

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 ~~10-105.1.~~

2 (A) ~~IN THIS SECTION, "AUTOMATIC EXPUNGEMENT" MEANS EXPUNGEMENT~~
3 ~~WITHOUT THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS~~
4 ~~THE SUBJECT OF THE RECORDS TO BE EXPUNGED.~~

5 (B) ~~ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY~~
6 ~~DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE~~
7 ~~CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE POSSESSION~~
8 ~~OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY~~
9 ~~EXPUNGED ON OR BEFORE OCTOBER 1, 2022.~~

10 (C) ~~NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS~~
11 ~~AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION~~
12 ~~OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE~~
13 ~~OCTOBER 1, 2020, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE~~
14 ~~OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE~~
15 ~~OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR~~
16 ~~BEFORE OCTOBER 1, 2028.~~

17 (D) ~~WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF~~
18 ~~MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED ON OR~~
19 ~~AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:~~

20 (1) ~~THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE~~
21 ~~EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE~~
22 ~~RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE;~~
23 ~~AND~~

24 (2) ~~EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS~~
25 ~~RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90~~
26 ~~DAYS AFTER DISPOSITION.~~

27 10-111.

28 THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO
29 THE EXISTENCE OF A DISTRICT COURT CRIMINAL CASE IN WHICH:

30 (1) POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL
31 LAW ARTICLE IS THE ONLY CHARGE IN THE CASE; AND

32 (2) THE CHARGE WAS DISPOSED OF BEFORE OCTOBER 1, 2014.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2020~~ January 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.