

# SENATE BILL 699

E2  
SB 949/17 – JPR

0lr2672  
CF HB 83

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By: **Senators Waldstreicher, Carter, McCray, and Sydnor**  
Introduced and read first time: February 3, 2020  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Automatic Expungement – Possession of Marijuana**

3 FOR the purpose of requiring all court records and police records relating to certain charges  
4 of possession of marijuana to be automatically expunged on or before certain dates  
5 under certain circumstances; requiring a certain court to initiate efforts to  
6 automatically expunge all court records and police records relating to a certain  
7 charge at a certain time; defining a certain term; and generally relating to  
8 expungement.

9 BY adding to  
10 Article – Criminal Procedure  
11 Section 10–105.1  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Criminal Procedure**

17 **10–105.1.**

18 (A) IN THIS SECTION, “AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT  
19 WITHOUT THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS  
20 THE SUBJECT OF THE RECORDS TO BE EXPUNGED.

21 (B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY  
22 DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5–601 OF THE  
23 CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE POSSESSION  
24 OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 **EXPUNGED ON OR BEFORE OCTOBER 1, 2022.**

2 **(C) NOTWITHSTANDING § 10–107 OF THIS SUBTITLE, ALL COURT RECORDS**  
3 **AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION**  
4 **OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE**  
5 **OCTOBER 1, 2020, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE**  
6 **OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE**  
7 **OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR**  
8 **BEFORE OCTOBER 1, 2028.**

9 **(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF**  
10 **MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE ENTERED ON OR**  
11 **AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10–107 OF THIS SUBTITLE:**

12 **(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE**  
13 **EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE**  
14 **RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE;**  
15 **AND**

16 **(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS**  
17 **RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90**  
18 **DAYS AFTER DISPOSITION.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
20 **October 1, 2020.**