

SENATE BILL 699

E2
SB 949/17 – JPR

0lr2672
CF HB 83

By: **Senators Waldstreicher, Carter, McCray, and Sydnor**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – ~~Automatic Expungement~~ Maryland Judiciary Case**
3 **Search – Possession of Marijuana Records**

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~~ requiring the Maryland Judiciary
9 Case Search, by a certain date, to not in any way refer to the existence of certain
10 records relating to certain charges entered before a certain date; and generally
11 relating to ~~expungement~~ the Maryland Judiciary Case Search.

12 BY adding to

13 Article – Criminal Procedure

14 Section ~~10-105.1~~ 10-111

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2019 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Procedure**

20 ~~10-105.1.~~

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

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

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

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

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

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

26 10-111.

27 BY DECEMBER 31, 2020, THE MARYLAND JUDICIARY CASE SEARCH MAY NOT
28 IN ANY WAY REFER TO THE EXISTENCE OF RECORDS OF DISTRICT COURT CASES
29 WITH ELECTRONIC RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF
30 POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE
31 ENTERED BEFORE OCTOBER 1, 2014, WHERE POSSESSION OF MARIJUANA WAS THE
32 ONLY CHARGE IN THE CASE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2020.