

HB0073/813121/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 73
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “sentence” insert “; requiring a court to determine that a person seeking a certain expungement has paid restitution ordered by the court or does not have the ability to pay the restitution”; and in line 9, after “10–110(c)” insert “and (f)”.

AMENDMENT NO. 2

On page 4, after line 8, insert:

“(f) (1) If the State’s Attorney or a victim files a timely objection to the petition, the court shall hold a hearing.

(2) The court shall order the expungement of all police records and court records about the charge after a hearing, if the court finds and states on the record:

(i) that the conviction is eligible for expungement under subsection (a) of this section;

(ii) that the person is eligible for expungement under subsection (d) of this section;

(iii) that giving due regard to the nature of the crime, the history and character of the person, and the person’s success at rehabilitation, the person is not a risk to public safety; [and]

(iv) **THAT THE PERSON HAS PAID ANY MONETARY RESTITUTION ORDERED BY THE COURT IN THE ORIGINAL PROCEEDING OR DOES NOT HAVE THE ABILITY TO PAY THE RESTITUTION; AND**

(v) that an expungement would be in the interest of justice.”.