

HOUSE BILL 268

E2

4lr1478

By: **Delegate Grammer**

Introduced and read first time: January 12, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – Definitions**

3 FOR the purpose of altering certain definitions of “expunge” and “expungement”; and
4 generally relating to expungement of records.

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Procedure
7 Section 10–101
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2023 Supplement)

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

12 **Article – Criminal Procedure**

13 10–101.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Central Repository” means the Criminal Justice Information System Central
16 Repository in the Department.

17 (c) (1) “Court record” means an official record of a court that the clerk of a
18 court or other court personnel keeps about:

19 (i) a criminal proceeding; or

20 (ii) any other proceeding, except a juvenile proceeding, concerning a
21 civil offense or infraction enacted under State or local law as a substitute for a criminal
22 charge.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Court record” includes:

2 (i) a record of a violation of the Transportation Article for which a
3 term of imprisonment may be imposed; and

4 (ii) an index, docket entry, charging document, pleading,
5 memorandum, transcription of proceedings, electronic recording, order, and judgment.

6 (d) “Expunge” means to remove information [from public inspection] in
7 accordance with this subtitle.

8 (e) Except as otherwise provided in this subtitle, “expungement” with respect to
9 a court record or a police record means removal [from public inspection]:

10 (1) by obliteration;

11 (2) by removal to a separate secure area to which persons who do not have
12 a legitimate reason for access are denied access; or

13 (3) if access to a court record or police record can be obtained only by
14 reference to another court record or police record, by the expungement of it or the part of it
15 that provides access.

16 (f) “Law enforcement unit” means a State, county, or municipal police
17 department or unit, the office of a sheriff, the office of a State’s Attorney, the Office of the
18 State Prosecutor, or the Office of the Attorney General of the State.

19 (g) “Minor traffic violation” means a nonincarcerable violation of the Maryland
20 Vehicle Law or any other traffic law, ordinance, or regulation.

21 (h) “Police record” means an official record that a law enforcement unit, booking
22 facility, or the Central Repository maintains about the arrest and detention of, or further
23 proceeding against, a person for:

24 (1) a criminal charge;

25 (2) a suspected violation of a criminal law;

26 (3) a violation of the Transportation Article for which a term of
27 imprisonment may be imposed; or

28 (4) a civil offense or infraction, except a juvenile offense, enacted under
29 State or local law as a substitute for a criminal charge.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2024.