
By: Senator Boozer

Requested: July 3, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Records - Expungement - Criminal and Traffic Offenses**

3 FOR the purpose of prohibiting a violation of a traffic law that is not punishable by a
4 term of imprisonment from being considered as part of a certain unit for purposes
5 of expungement of criminal records; prohibiting a certain violation of a traffic law
6 from preventing expungement of any criminal charge that arises from the same
7 incident, transaction, or set of facts as the traffic violation if the person who is
8 charged with the traffic violation is otherwise entitled to an expungement on any
9 other criminal charge; and generally relating to expungement of criminal records.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 738
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 738.

19 (A) [For] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR
20 purposes of this subtitle, two or more charges arising from the same incident, transaction,
21 or set of facts, shall be considered as a unit. If a person is not entitled to an expungement
22 of any one charge of a unit, he is not entitled to expungement of the other charges in the
23 unit.

24 (B) IF A PERSON IS CHARGED WITH A VIOLATION OF ANY TRAFFIC LAW,
25 INCLUDING THE MARYLAND VEHICLE LAW, THAT IS NOT PUNISHABLE BY A TERM
26 OF IMPRISONMENT:

27 (1) THE VIOLATION MAY NOT BE CONSIDERED AS PART OF A UNIT
28 UNDER SUBSECTION (A) OF THIS SECTION; AND

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1 (2) THE DISPOSITION ENTERED ON THE VIOLATION MAY NOT PROHIBIT
2 EXPUNGEMENT OF ANY CRIMINAL CHARGE THAT ARISES FROM THE SAME
3 INCIDENT, TRANSACTION, OR SET OF FACTS IF THE PERSON IS OTHERWISE
4 ENTITLED TO AN EXPUNGEMENT ON ANY OTHER CHARGE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1996.