
By: Delegates Hutchins and Vallario

Introduced and read first time: January 9, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 1997

CHAPTER ____

1 AN ACT concerning

2 **Criminal Records - Acquittal by Verdict of Not Criminally Responsible - Prohibited**
3 **Expungement**

4 FOR the purpose of ~~prohibiting the expungement of a criminal record if the acquittal was~~
5 eliminating an erroneous reference and repealing a provision of law relating to
6 expungement based on acquittal on the grounds of a verdict of not criminally
7 responsible; providing for the construction of this Act; making stylistic changes; and
8 generally relating to the expungement of criminal records.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 737(a) and (d)
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

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

16 **Article 27 - Crimes and Punishments**

17 737.

18 (a) A person charged with the commission of a crime may file a petition setting
19 forth the relevant facts and requesting expungement of the police records, court records,
20 and other records maintained by the State of Maryland and its subdivisions, pertaining to
21 the charge if:

22 (1) The person is acquitted, ~~UNLESS THE ACQUITTAL WAS ON THE~~
23 ~~FOUNDATIONS OF A VERDICT OF NOT CRIMINALLY RESPONSIBLE;~~

2

- 1 (2) The charge is otherwise dismissed or quashed[.];
- 2 (3) A judgment of probation before judgment is entered[.];
- 3 (4) A nolle prosequi is entered[.];
- 4 (5) The proceeding is placed on the stet docket[.];
- 5 (6) The case is compromised pursuant to Article 27, § 766 of this Code[.];
- 6 (7) The person is convicted of only one criminal act, which is not a crime of
- 7 violence, and is subsequently granted a full and unconditional pardon by the
- 8 Governor[.]; or
- 9 (8) The charge was transferred to juvenile court jurisdiction under § 594A of
- 10 this article.

11 (d) (1) Except as provided in paragraph (2) of this subsection, a petition for
12 expungement based on the following dispositions may not be filed earlier than 3 years
13 after the date of the disposition:

- 14 (i) An acquittal;
- 15 (ii) A nolle prosequi; or
- 16 (iii) A dismissal or quashing of a charge.

17 (2) ~~(1)~~ A petition for expungement based on the dispositions described in
18 paragraph (1) of this subsection may be filed earlier than 3 years after the date of the
19 disposition if the person files with the petition a written general waiver and release, in
20 proper legal form, of all claims the person may have against any person for tortious
21 conduct arising from the charge.

22 ~~(ii) Notwithstanding the provisions of PARAGRAPH (1) OF THIS~~
23 ~~SUBSECTION AND subparagraph (i) of this paragraph, a [petition for expungement may~~
24 ~~not be filed earlier than 3 years after acquittal] RECORD MAY NOT BE EXPUNGED if the~~
25 ~~acquittal was on the grounds of a verdict of not criminally responsible.~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
27 to prohibit the expungement of a verdict of not criminally responsible.

28 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.