

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 645

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 4 down through “regulations” in line 5 and substitute “for which a term of imprisonment may be imposed; providing for expungement of certain records relating to certain motor vehicle violations for which a term of imprisonment may be imposed even if certain nonincarcerable violations of certain vehicle laws arise out of the same incident or transaction; providing for the construction of this Act;”; in line 9, strike “and 736” and substitute “, 736, 737(a), and 738(b)”.

AMENDMENT NO. 2

On page 1, in line 19, after “ARTICLE” insert “FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED”; in lines 23, 25, and 26, strike all of the brackets; in line 23, after “to” insert “NONINCARCERABLE”; and in line 26, strike “(2)”.

On page 2, in line 1, strike both brackets; in the same line, strike “(3)”; in line 17, after “law” insert “, INCLUDING RECORDS OF VIOLATIONS OF THE TRANSPORTATION ARTICLE FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED”; in line 18, after “to” insert “NONINCARCERABLE”; in lines 25 and 26, strike both brackets; and in line 25, after the third “a” insert “NONINCARCERABLE”.

AMENDMENT NO. 3

On page 3, after line 31, insert:

“737.

(a) A person charged with the commission of a crime, INCLUDING A VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED, may file a petition setting forth the relevant facts and requesting expungement of the

(Over)

police records, court records, and other records maintained by the State of Maryland and its subdivisions, pertaining to the charge if:

(1) The person is acquitted;

(2) The charge is otherwise dismissed or quashed;

(3) A judgment of probation before judgment is entered;

(4) A nolle prosequi is entered;

(5)The proceeding is placed on the stet docket;

(6) The case is compromised pursuant to Article 27, § 766 of this Code;

(7) The person is convicted of only one criminal act, which is not a crime of violence, and is subsequently granted a full and unconditional pardon by the Governor; or

(8) The charge was transferred to juvenile court jurisdiction under § 594A of this article.

738.

(b) If a person is charged with a violation of any provision of the Maryland Vehicle Law FOR WHICH A TERM OF IMPRISONMENT MAY NOT BE IMPOSED or any other traffic law, ordinance, or regulation:

(1) The violation may not be considered as part of a unit under subsection (a) of this section; and

(2) The disposition entered on the violation may not preclude expungement of any criminal charge, INCLUDING A VIOLATION OF THE MARYLAND VEHICLE LAW FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED, that arises from the same incident, transaction, or set of facts if the person is otherwise entitled to an expungement of the charge.”.

AMENDMENT NO. 4

On page 3, after line 31, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That an expungement under this Act of a criminal record relating to a violation of the Transportation Article for which a term of imprisonment may be imposed may not be construed to require the Motor Vehicle Administration to expunge a driving record.”;

and in line 32, strike “2.” and substitute “3.”.