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By: **Senator Exum**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records - Nonviolent Felonies - Expungement**

3 FOR the purpose of authorizing a person who was convicted of a felony that was not  
4 a crime of violence and who completed the sentence imposed for the conviction,  
5 including probation, to petition for the expungement of certain records  
6 maintained by the State pertaining to the conviction; authorizing a certain  
7 petition to be filed at a certain time; and generally relating to the expungement  
8 of police records, court records, and other records maintained by the State.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 737(a)  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1999 Supplement)

14 BY adding to  
15 Article 27 - Crimes and Punishments  
16 Section 737(g-1)  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article 27 - Crimes and Punishments  
21 Section 737(i) and (j)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume and 1999 Supplement)

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

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**Article 27 - Crimes and Punishments**

2 737.

3 (a) A person charged with the commission of a crime, including a violation of  
4 the Transportation Article for which a term of imprisonment may be imposed, may  
5 file a petition setting forth the relevant facts and requesting expungement of the  
6 police records, court records, and other records maintained by the State of Maryland  
7 and its subdivisions, pertaining to the charge if:

8 (1) The person is acquitted;

9 (2) The charge is otherwise dismissed or quashed;

10 (3) Except if charged with a violation of § 21-902 of the Transportation  
11 Article, a judgment of probation before judgment is entered;

12 (4) A nolle prosequi is entered;

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

14 (6) The case is compromised pursuant to § 766 of this article;

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

18 (8) The charge was transferred to juvenile court jurisdiction under §  
19 594A of this article; OR

20 (9) THE PERSON WAS CONVICTED OF A FELONY THAT WAS NOT A CRIME  
21 OF VIOLENCE AND COMPLETED THE SENTENCE IMPOSED FOR THE CONVICTION,  
22 INCLUDING PROBATION.

23 (G-1) A PETITION FOR EXPUNGEMENT BASED ON THE COMPLETION OF THE  
24 SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION OF A  
25 FELONY THAT WAS NOT A CRIME OF VIOLENCE MAY BE FILED IMMEDIATELY AFTER  
26 THE COMPLETION OF THE SENTENCE.

27 (i) A copy of the petition shall be served on the State's Attorney. Unless the  
28 State's Attorney files an objection to the petition within 30 days after it is served on  
29 him, the court shall enter an order requiring the expungement of police records and  
30 court records pertaining to the charge.

31 (j) If the State's Attorney files a timely objection to the petition, the court  
32 shall conduct a hearing. If the court finds that the person is entitled to expungement,  
33 it shall enter an order requiring the expungement of police records and all court  
34 records pertaining to the charge. Otherwise, it shall deny the petition. If the petition  
35 is based upon the entry of a judgment of probation before judgment, a nolle prosequi,

1 placement on the stet docket, or a full and unconditional pardon by the Governor, the  
2 person is not entitled to expungement if:

3           (1)       He has since been convicted of any crime, other than violations of the  
4 State vehicle laws or other traffic laws, ordinances, or regulations not carrying a  
5 possible sentence of imprisonment; or

6           (2)       He is then a defendant in a pending criminal proceeding.

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2000.