

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 483 (Chairman, Judiciary Committee)
 (Maryland Judicial Conference)

Judiciary

**Police and Criminal Records - Expungement of Records - Nolle Prosequi Before
Service**

This bill provides that unless the State objects and shows cause why a record should not be expunged, if the State enters a nolle prosequi as to all charges in a criminal case within the jurisdiction of the District Court with which a defendant has not been served, the District Court may order expungement of any court record, police record, or any other State or local record kept as to the charges.

The District Court may not assess costs against a defendant for a proceeding to expunge records pursuant to the bill.

Fiscal Summary

State Effect: The bill would not significantly impact governmental operations or finances.

Local Effect: The bill would not significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: A person charged with the commission of a crime may file a petition requesting the expungement of the police records, court records, and other records maintained by the State and local governments pertaining to the charge if a nolle prosequi is entered. Such a petition may not be filed earlier than three years after the date of the disposition, unless the person files with the petition a waiver of all claims the person may have against any person for tortious conduct arising from the charge. A person is not entitled to an expungement if the person has since been convicted of a crime or is then a defendant in a pending criminal proceeding.

Background: A nolle prosequi is a disposition in a criminal case indicating that the charge will not be prosecuted.

Additional Information

Prior Introductions: None.

Cross File: SB 212 (Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Maryland State's Attorneys' Association, Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2000
nnscjr Revised - House Third Reader - March 24, 2000

Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510