

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 705 (Delegate Marriott)

Judiciary

Criminal Records - Expungement - Victimless Crimes

This bill expands, to persons convicted of a crime for which there is no evident victim, expungement provisions applicable to police records, court records, and other records maintained by State or local government.

Fiscal Summary

State Effect: Minimal. While a high volume of petitions could increase the workload for the Judiciary, the requirements of this bill can be accommodated with the existing budgeted resources of the Judiciary or other affected State agencies.

Local Effect: Minimal. While a high volume of petitions could increase the workload for the Judiciary, the requirements of this bill can be accommodated with the existing budgeted resources of the Judiciary or Offices of State's Attorneys.

Small Business Effect: None.

Analysis

Bill Summary: This bill adds the conviction for crimes for which there is no evident victim to the circumstances under which an expungement can be obtained of police records, court records, and other records maintained by State or local government. Such crimes include possession of a controlled dangerous substance and prostitution. The bill requires that such an expungement be made by the removal of the records to a secure area, and not by their obliteration.

The bill requires that petitions for such expungement be filed by the later of three years of the date of entry of the conviction or the date of the person's discharge from the jurisdiction of

the Department of Public Safety and Correctional Services (DPSCS). The bill prohibits expungement of the records under specified circumstances involving objections to expungement by a State's Attorney.

The bill authorizes the access and use of such expunged records by law enforcement agencies, the courts, defense counsel, a State's Attorney, and DPSCS if there is an investigation, charge, or prosecution of the person for a subsequent offense.

Current Law: There are eight circumstances under which a person may petition for expungement, including if the person is acquitted or if the person is convicted of only one non-violent crime and is granted a pardon by the Governor. These eight circumstances do not require the removal of the records to a secure area, and only allow later access by a State's Attorney by petition, under specified circumstances, or by an *ex parte* order.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of State Police, Office of State's Attorney's Coordinator, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2000
drg/jr

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