
By: **Delegates Marriott, C. Davis, Dobson, Gladden, Harrison, Howard, V. Jones, Kirk, Nathan-Pulliam, Oaks, Paige, Patterson, Phillips, Proctor, Rawlings, and Turner**

Introduced and read first time: February 5, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Expungement of Records**

3 FOR the purpose of repealing a certain limitation on a category of expungement of
4 certain records that limits expungement to only one certain criminal act;
5 repealing a provision of law prohibiting the expungement of an individual's
6 record if the individual has been convicted of certain other crimes or is a
7 defendant in a pending criminal proceeding; and generally relating to criminal
8 procedure and expungement of records.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Procedure
11 Section 10-105(a) and (e)
12 Annotated Code of Maryland
13 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
14 2001)

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

17 **Article - Criminal Procedure**

18 10-105.

19 (a) A person who has been charged with the commission of a crime, including
20 a violation of the Transportation Article for which a term of imprisonment may be
21 imposed, may file a petition listing relevant facts for expungement of a police record,
22 court record, or other record maintained by the State or a political subdivision of the
23 State if:

- 24 (1) the person is acquitted;
- 25 (2) the charge is otherwise dismissed;

1 (3) a probation before judgment is entered, unless the person is charged
2 with a violation of § 21-902 of the Transportation Article;

3 (4) a nolle prosequi is entered;

4 (5) the court indefinitely postpones trial of a criminal charge by marking
5 the criminal charge "stet" on the docket;

6 (6) the case is compromised under Article 27, § 12A-5 of the Code;

7 (7) the charge was transferred to the juvenile court under § 4-202 of this
8 article; or

9 (8) the person:

10 (i) is convicted of [only one] A criminal act OR ACTS[, and that act
11 is not a crime] THAT ARE NOT CRIMES of violence; and

12 (ii) is granted a pardon by the Governor.

13 (e) (1) If the State's Attorney files a timely objection to the petition, the
14 court shall hold a hearing.

15 (2) If the court at the hearing finds that the person is entitled to
16 expungement, the court shall order the expungement of all police records and court
17 records about the charge.

18 (3) If the court finds that the person is not entitled to expungement, the
19 court shall deny the petition.

20 [(4) The person is not entitled to expungement if:

21 (i) the petition is based on the entry of probation before judgment,
22 a nolle prosequi, or a stet, or the grant of a pardon by the Governor; and

23 (ii) the person:

24 1. since the pardon or entry, has been convicted of a crime
25 other than a minor traffic violation; or

26 2. is a defendant in a pending criminal proceeding.]

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.