

SENATE BILL 185

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SB 645/00 - JPR

2001 Regular Session
11r1196

By: **Senators Exum, Conway, Currie, Hughes, Lawlah, McFadden, and Mitchell**

Introduced and read first time: January 22, 2001

Assigned to: Judicial Proceedings

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 - Criminal Procedure
11 Section 10-105(a)
12 Annotated Code of Maryland
13 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

14 BY adding to
15 Article - Criminal Procedure
16 Section 10-105(a-1)
17 Annotated Code of Maryland
18 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

19 BY repealing and reenacting, without amendments,
20 Article - Criminal Procedure
21 Section 10-105(d) and (e)
22 Annotated Code of Maryland
23 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

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

1

Article - Criminal Procedure

2 10-105.

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

8 (1) the person is acquitted;

9 (2) the charge is otherwise dismissed;

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

12 (4) a nolle prosequi is entered;

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

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

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

18 (8) the person:

19 (i) is convicted of only one criminal act, and that act is not a crime
20 of violence; and

21 (ii) is granted a pardon by the Governor; OR

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

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

29 (d) (1) The court shall have a copy of a petition for expungement served on
30 the State's Attorney.

31 (2) Unless the State's Attorney files an objection to the petition for
32 expungement within 30 days after the petition is served, the court shall pass an order
33 requiring the expungement of all police records and court records about the charge.

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

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

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

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

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

11 (ii) the person:

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

14 2. is a defendant in a pending criminal proceeding.

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