

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 261

(Delegate Doory)

Judiciary

Judicial Proceedings

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**Drunk and Drugged Driving - Death or Life Threatening Injury - Prohibition of  
Expungement of Criminal Records of Probation Before Judgment Dispositions**

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This bill prohibits the expungement of criminal records based upon the entry of a probation before judgment if the charge was homicide or life threatening injury by motor vehicle or vessel while intoxicated or under the influence of alcohol, drugs, or a controlled dangerous substance.

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**Fiscal Summary**

**State Effect:** None. Any potential savings resulting from fewer petitions for expungement is not expected to significantly affect State operations or finances.

**Local Effect:** None. Any potential savings resulting from fewer petitions for expungement is not expected to significantly affect local government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** There are eight circumstances under which a person may petition for expungement of a criminal conviction, including if the person is acquitted or if the person is convicted of only one nonviolent crime and is granted a pardon by the Governor. A State's Attorney is allowed to file an objection to such a petition. A person is not entitled to expungement if the person has subsequently been convicted of a crime or is a defendant in a criminal proceeding.

In addition, a person may not file a petition for expungement if a probation before judgment is entered for a criminal charge of driving while intoxicated, intoxicated per se, under the influence of alcohol, or under the influence of a drug, a combination of alcohol and a drug, or a controlled dangerous substance.

A petition for expungement based on a probation before judgment may not be filed earlier than the later of: (1) three years after the date of the entry of judgment or order of probation; or (2) the date of the person's discharge from probation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (District Court), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader – February 16, 2001  
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