

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 662 (Senator Exum)
Judicial Proceedings

Police and Court Records - Nonviolent Crimes - Expungement

This bill adds to the list of circumstances under which a person may request that official criminal records be expunged, where a person meets the following criteria: (1) convicted of a criminal act that was not more than one felony and not a crime of violence; and (2) completed the sentence, including probation, for the conviction.

Fiscal Summary

State Effect: None. It is expected that any additional requests for expungement resulting from this bill could be processed using existing resources.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: To expunge a court or police record is to remove it from public inspection. The Criminal Procedure Article identifies various means by which an individual may have a police record or court record relating to that individual expunged; the means and ability to expunge such records vary based on the stage, type, and outcome of any criminal proceedings relating to the record. Circumstances under which an expungement can be requested include where:

- a person is arrested, detained, or confined but subsequently released without being charged;

- the State has entered a nolle prosequi (a formal decision not to prosecute after charges have been filed) as to all charges in a criminal case in District Court in which the defendant has not been served;
- a person has been charged and then:
 - the person is acquitted;
 - the charge is otherwise dismissed (including a charge of assault where the victim and accused have agreed to the dismissal);
 - a nolle prosequi is entered;
 - with certain exceptions, a probation before judgment is entered;
 - the court indefinitely postpones trial of a criminal charge by marking the criminal charge “stet” on the docket;
 - the charge was transferred to the juvenile court; or
 - a person is convicted of only one criminal act that is not considered to be a crime of violence, and the Governor has granted the person a full and unconditional pardon.

Background: The Department of Public Safety and Correctional Services estimates that each court-ordered expungement of records from the Criminal Justice Information System Central Repository (the central system for maintaining criminal-related records) costs \$11.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as SB 185 and in the 2000 session as SB 645. SB 185 and SB 645 each received an unfavorable report from the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): State’s Attorneys’ Association, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Debra A. Dickstein

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