
By: **Delegates Marriott, Cardin, Gutierrez, Jones, Kirk, Nathan-Pulliam,
Paige, Patterson, F. Turner, and V. Turner**

Introduced and read first time: February 4, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records - Nuisance Crimes - Expungement**

3 FOR the purpose of authorizing a person convicted of a certain crime who completed
4 the sentence imposed for the conviction, including probation, to petition for the
5 expungement of certain records maintained by the State pertaining to the
6 conviction; prohibiting a certain petition to be filed during a certain time; and
7 generally relating to the expungement of police records, court records, and other
8 records maintained by the State.

9 BY renumbering

10 Article - Criminal Procedure
11 Section 10-105(c)(5)
12 to be Section 10-105(c)(6)
13 Annotated Code of Maryland
14 (2001 Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Procedure
17 Section 10-105(a)
18 Annotated Code of Maryland
19 (2001 Volume and 2002 Supplement)

20 BY adding to

21 Article - Criminal Procedure
22 Section 10-105(c)(5)
23 Annotated Code of Maryland
24 (2001 Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 10-105(c)(5) of Article - Criminal Procedure of the
27 Annotated Code of Maryland be renumbered to be Section(s) 10-105(c)(6).

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Criminal Procedure**

4 10-105.

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

10 (1) the person is acquitted;

11 (2) the charge is otherwise dismissed;

12 (3) a probation before judgment is entered, unless the person is charged
13 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §
14 3-211 of the Criminal Law Article;

15 (4) a nolle prosequi is entered;

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

18 (6) the case is compromised under § 3-207 of the Criminal Law Article;

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

21 (8) the person:

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

24 (ii) is granted a full and unconditional pardon by the Governor; OR

25 (9) THE PERSON WAS CONVICTED OF A CRIME UNDER ANY STATE OR
26 LOCAL LAW THAT PROHIBITS:

27 (I) URINATION OR DEFECATION IN A PUBLIC PLACE;

28 (II) PANHANDLING OR SOLICITING MONEY;

29 (III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE;

30 (IV) DISTURBING THE PEACE;

31 (V) DISORDERLY CONDUCT;

1 (VI) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A PUBLIC
2 PLACE OR A PUBLIC CONVEYANCE;

3 (VII) TRESPASS ON POSTED PROPERTY;

4 (VIII) WANTON TRESPASS ON PRIVATE PROPERTY;

5 (IX) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS BENCHES OR
6 DOORWAYS;

7 (X) LOITERING; OR

8 (XI) VAGRANCY.

9 (c) (5) A PETITION FOR EXPUNGEMENT BASED ON THE COMPLETION OF
10 THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION
11 OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED WITHIN
12 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE
13 SENTENCE, WHICHEVER IS LATER.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.