Unofficial Copy 2003 Regular Session E2 3lr1924

By: Delegate C. Davis

Introduced and read first time: February 11, 2003 Assigned to: Rules and Executive Nominations

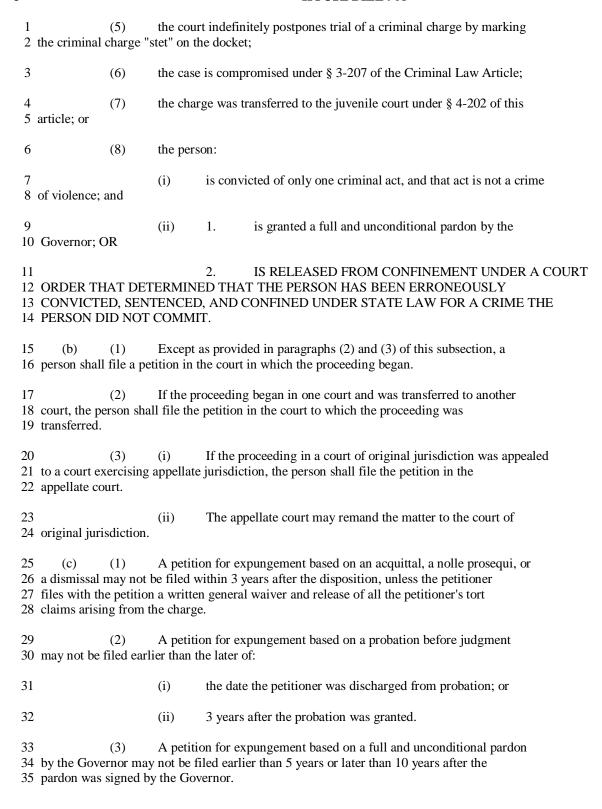
A BILL ENTITLED

	4 3 T		
1	AN	ACT:	concerning

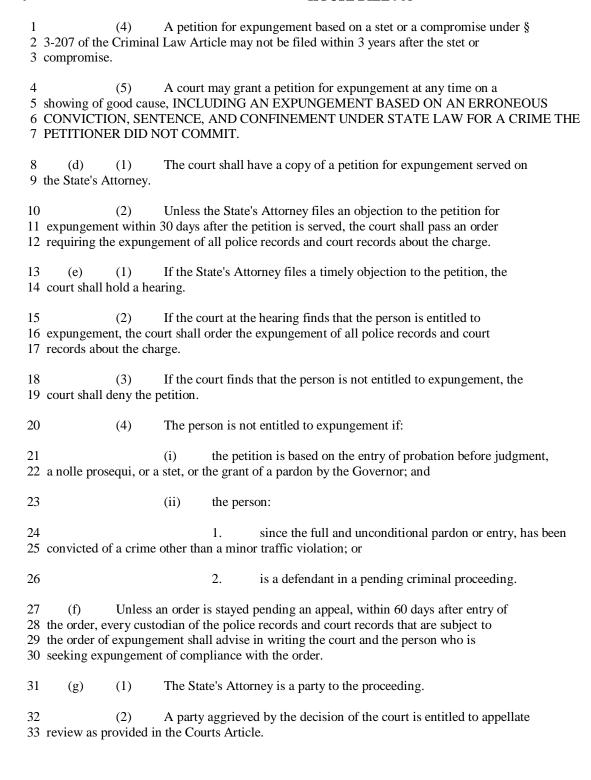
- 2 Criminal Procedure Erroneous Conviction, Sentence, and Confinement Expungement, Damages, and Restitution Relief
- 4 FOR the purpose of discharging certain judgments of restitution against a person
- 5 released from confinement based on a determination by a court that the person
- 6 was erroneously convicted, sentenced, and confined for certain crimes the
- 7 person did not commit; authorizing a person to file a certain petition for
- 8 expungement of certain police or court records if the person filing the petition is
- 9 released from confinement based on a determination by a court that the person
- was erroneously convicted, sentenced, and confined for certain crimes the
- person did not commit; authorizing a court to grant a petition for expungement
- 12 at any time under certain circumstances; making a person released from
- confinement, based on a determination by a court that the person was
- erroneously convicted, sentenced, and confined for certain crimes the person did
- not commit, eligible to receive a grant from the Board of Public Works for actual
- damages sustained by the person due to confinement; and generally relating to
- persons erroneously convicted, sentenced, and confined under certain
- 18 circumstances.
- 19 BY repealing and reenacting, with amendments,
- 20 Article Correctional Services
- 21 Section 7-701
- 22 Annotated Code of Maryland
- 23 (1999 Volume and 2002 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Criminal Procedure
- 26 Section 10-105
- 27 Annotated Code of Maryland
- 28 (2001 Volume and 2002 Supplement)
- 29 BY repealing and reenacting, with amendments,
- 30 Article State Finance and Procurement
- 31 Section 10-501

1 2	Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement)
3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
5	Article - Correctional Services
6	7-701.
9	(a) If the Commission grants parole to an individual whom a court has ordered to make restitution as part of a sentence or as a condition of probation, the Commission shall require the individual to make restitution payments while on parole as a condition of parole.
	(b) Except as provided in subsection (c) of this section, a pardon, partial pardon, conditional pardon, commutation of sentence, or parole does not affect any judgment entered under Title 11, Subtitle 6 of the Criminal Procedure Article.
	(c) (1) If the Governor orders a pardon and states as a part of the order that the defendant was convicted in error, the order discharges any judgment against the defendant under Title 11, Subtitle 6 of the Criminal Procedure Article.
19 20 21	(2) IF A COURT RELEASES AN INDIVIDUAL FROM CONFINEMENT BASED ON A DETERMINATION THAT THE INDIVIDUAL WAS ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED UNDER STATE LAW FOR A CRIME THE INDIVIDUAL DID NOT COMMIT, THE ORDER THAT RELEASES THE INDIVIDUAL FROM CONFINEMENT DISCHARGES ANY JUDGMENT AGAINST THE INDIVIDUAL UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE ERRONEOUS CONVICTION.
23	Article - Criminal Procedure
24	10-105.
27 28	(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:
30	(1) the person is acquitted;
31	(2) the charge is otherwise dismissed;
	(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;
35	(4) a nolle prosequi is entered;

HOUSE BILL 908



HOUSE BILL 908



35 October 1, 2003.

1 **Article - State Finance and Procurement** 2 10-501. 3 (a) (1) Subject to subsection (b) of this section, the Board of Public Works 4 may grant to an individual erroneously convicted, sentenced, and confined under 5 State law for a crime the individual did not commit an amount commensurate with 6 the actual damages sustained by the individual due to the confinement. 7 In making a grant under paragraph (1) of this subsection, the Board 8 of Public Works shall use money in the General Emergency Fund or money that the Governor provides in the annual budget. 10 (b) An individual is eligible for a grant under subsection (a) of this section only 11 if the individual: 12 (1) has received from the Governor a full pardon stating that the 13 individual's conviction has been shown conclusively to be in error; OR 14 HAS BEEN RELEASED FROM CONFINEMENT UNDER A COURT ORDER (2) 15 THAT DETERMINED THAT THE INDIVIDUAL HAS BEEN ERRONEOUSLY CONVICTED. 16 SENTENCED. AND CONFINED UNDER STATE LAW FOR A CRIME THE INDIVIDUAL DID 17 NOT COMMIT. The Board of Public Works may pay the grant determined under 18 (c) subsection (a) of this section in a lump sum or in installments. 20 (d) The Board of Public Works may not pay any part of a grant made (1) 21 under this section to any individual other than the pardoned OR RELEASED 22 individual. 23 (2) An individual may not pay any part of a grant received under (i) 24 this section to another person for services rendered in connection with the collection 25 of the grant. 26 An obligation incurred in violation of this paragraph is void. (ii) 27 (iii) A payment made in violation of this paragraph shall be forfeited 28 to the State. 29 This section does not prohibit an individual from contracting for services (e) 30 to: 31 (1) determine the individual's innocence: 32 (2) obtain a pardon; or 33 (3) obtain the individual's release from confinement. 34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect