

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 372
Judiciary

(Delegate Marriott, *et al.*)

Criminal Procedure - Expungement of Records

This bill repeals a provision that prohibits expungement of a police, court, or other record if: (1) the petition is based on the entry of probation before judgment, a *nolle prosequi*, or a stet, or the grant of a pardon; and (2) the person has subsequently been convicted of a crime or is a defendant in a criminal proceeding.

Fiscal Summary

State Effect: The bill is likely to result in additional requests for expungement, but is not anticipated to have a significant impact on State finances.

Local Effect: The bill is likely to result in additional requests for expungement but is not anticipated to have a significant impact on local finances.

Small Business Effect: None.

Analysis

Current Law: There are eight circumstances under which a person may petition for expungement. A person is not entitled to expungement if the petition is based on the entry of probation before judgment, a *nolle prosequi*, a stet, or the grant of a pardon by the Governor; and the person has subsequently been convicted of a crime or is a defendant in a criminal proceeding.

Additional Information

Prior Introductions: HB 542 of 2001 contained all of this bill's provisions, as well as additional provisions. It received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2003
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