

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 116

(Delegate Arnick)

Judiciary

Judicial Proceedings

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**Criminal Records - Expungement after Pardon - Time of Filing**

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This bill repeals the five-year waiting period before a person convicted of a single, nonviolent criminal act, who is granted a full and unconditional pardon by the Governor, may file a petition seeking to have any relevant police, court, or other record expunged.

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**Fiscal Summary**

**State Effect:** Minimal impact on State expenditures because of the small number of persons who receive executive pardons. Any additional workload could be handled with existing resources.

**Local Effect:** Minimal – see above.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person who has been charged with the commission of a crime 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, under various circumstances listed in statute, including that the person is convicted of only one criminal act which is not a crime of violence, and is granted a full and unconditional pardon by the Governor.

Other grounds for expungement include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, and stet of charge.

A petition for expungement based on gubernatorial pardon may not be filed earlier than five years or later than ten years after the pardon was signed by the Governor.

“Expungement” with regard to a court record means removal from public inspection:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
- if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of that record, or the part of it that provides access.

**State Fiscal Effect:** The Department of Public Safety and Correctional Services advises that fewer than 1% of the 13,000 expungements performed in calendar 2002 resulted from a gubernatorial pardon.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services, Judiciary (Administrative Office of the Court), Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2003  
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