

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

House Bill 367

(Delegate Marriott, *et al.*)

Judiciary

Police and Court Records - Nuisance Crimes - Expungement

This bill permits a person convicted of a public nuisance crime to seek expungement of criminal records after three years have passed from completion of the sentence.

Fiscal Summary

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

Small Business Effect: None.

Analysis

Bill Summary: The crimes covered by this bill include any State or local law that prohibits:

- urination or defecation in a public place;
- panhandling or soliciting money;
- drinking an alcoholic beverage in a public place;
- disturbing the peace;
- disorderly conduct;
- obstructing the free passage of another in a public place or a public conveyance;
- trespass on posted property;

- wanton trespass on public property;
- sleeping on or in park structures such as benches or doorways;
- loitering; or
- vagrancy.

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 the statute. These grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosqui*, stet of charge, and gubernatorial pardon.

Expungement of 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; and
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

Background: Nuisance laws are frequently used to discourage the public presence and activities of destitute and homeless persons. Expungement will allow such individuals to escape the collateral consequences or civil disabilities of such convictions.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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