HOUSE BILL 142

Unofficial Copy E2 HB 372/03 - JUD 2004 Regular Session 4lr1335

By: **Delegates Brown, Vallario, Anderson, Kelley, Menes, and Sophocleus** Introduced and read first time: January 19, 2004 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

Criminal Procedure - Expungement of Records

3 FOR the purpose of repealing a provision of law prohibiting the expungement of an

4 individual's record if the individual has been convicted of certain other crimes or

- 5 is a defendant in a pending criminal proceeding; and generally relating to
- 6 criminal procedure and expungement of records.

7 BY repealing and reenacting, with amendments,

- 8 Article Criminal Procedure
- 9 Section 10-105(e)
- 10 Annotated Code of Maryland
- 11 (2001 Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12 MARYLAND. That the Laws of Meruland read of follows:

13 MARYLAND, That the Laws of Maryland read as follows:

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Article - Criminal Procedure

15 10-105.

16 (e) (1) If the State's Attorney files a timely objection to the petition, the 17 court shall hold a hearing.

18 (2) If the court at the hearing finds that the person is entitled to 19 expungement, the court shall order the expungement of all police records and court 20 records about the charge.

21 (3) If the court finds that the person is not entitled to expungement, the 22 court shall deny the petition.

23 [(4) The person is not entitled to expungement if:

24 (i) the petition is based on the entry of probation before judgment, 25 a nolle prosequi, or a stet, or the grant of a pardon by the Governor; and

26 (ii) the person:

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11.since the full and unconditional pardon or entry, has been2convicted of a crime other than a minor traffic violation; or

3 2. is a defendant in a pending criminal proceeding.]

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 5 October 1, 2004.