

HOUSE BILL 332

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HB 367/03 - JUD

2004 Regular Session
4r1367

By: **Delegates Marriott, Anderson, Benson, Branch, Carter, Dumais,
Griffith, Haynes, Howard, Jones, Kelley, Kirk, Krysiak,
Nathan-Pulliam, Paige, Patterson, Proctor, F. Turner, V. Turner, and
Vaughn**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records - Nuisance Crimes - Expungement**

3 FOR the purpose of authorizing a person convicted of a certain crime who completed
4 the sentence imposed for the conviction, including probation, to petition for the
5 expungement of certain records maintained by the State pertaining to the
6 conviction; prohibiting a certain petition to be filed during a certain time; and
7 generally relating to the expungement of police records, court records, and other
8 records maintained by the State.

9 BY renumbering

10 Article - Criminal Procedure
11 Section 10-105(c)(5)
12 to be Section 10-105(c)(6)
13 Annotated Code of Maryland
14 (2001 Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Procedure
17 Section 10-105(a)
18 Annotated Code of Maryland
19 (2001 Volume and 2003 Supplement)

20 BY adding to

21 Article - Criminal Procedure
22 Section 10-105(c)(5)
23 Annotated Code of Maryland
24 (2001 Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 10-105(c)(5) of Article - Criminal Procedure of the
3 Annotated Code of Maryland be renumbered to be Section(s) 10-105(c)(6).

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Criminal Procedure**

7 10-105.

8 (a) A person who has been charged with the commission of a crime, including
9 a violation of the Transportation Article for which a term of imprisonment may be
10 imposed, may file a petition listing relevant facts for expungement of a police record,
11 court record, or other record maintained by the State or a political subdivision of the
12 State if:

13 (1) the person is acquitted;

14 (2) the charge is otherwise dismissed;

15 (3) a probation before judgment is entered, unless the person is charged
16 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §
17 3-211 of the Criminal Law Article;

18 (4) a nolle prosequi is entered;

19 (5) the court indefinitely postpones trial of a criminal charge by marking
20 the criminal charge "stet" on the docket;

21 (6) the case is compromised under § 3-207 of the Criminal Law Article;

22 (7) the charge was transferred to the juvenile court under § 4-202 of this
23 article; [or]

24 (8) the person:

25 (i) is convicted of only one criminal act, and that act is not a crime
26 of violence; and

27 (ii) is granted a full and unconditional pardon by the Governor; OR

28 (9) THE PERSON WAS CONVICTED OF A CRIME UNDER ANY STATE OR
29 LOCAL LAW THAT PROHIBITS:

30 (I) URINATION OR DEFECATION IN A PUBLIC PLACE;

31 (II) PANHANDLING OR SOLICITING MONEY;

32 (III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE;

- 1 (IV) DISTURBING THE PEACE;
- 2 (V) DISORDERLY CONDUCT;
- 3 (VI) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A PUBLIC
4 PLACE OR A PUBLIC CONVEYANCE;
- 5 (VII) TRESPASS ON POSTED PROPERTY;
- 6 (VIII) WANTON TRESPASS ON PRIVATE PROPERTY;
- 7 (IX) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS BENCHES OR
8 DOORWAYS;
- 9 (X) LOITERING;
- 10 (XI) VAGRANCY; OR
- 11 (XII) RIDING A TRANSIT VEHICLE WITHOUT PAYING THE
12 APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE ACTS
13 SPECIFIED IN § 7-705 OF THE TRANSPORTATION ARTICLE.

14 (c) (5) A PETITION FOR EXPUNGEMENT BASED ON THE COMPLETION OF
15 THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION
16 OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED WITHIN
17 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE
18 SENTENCE, WHICHEVER IS LATER.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2004.