Unofficial Copy E2 2004 Regular Session 4lr0780

By: Delegates Carter, Anderson, Dumais, Gutierrez, Howard, Marriott,
Nathan-Pulliam, Oaks, Paige, Patterson, Ramirez, Rosenberg, and

Vallario

Introduced and read first time: February 3, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1	AT	1 000	•
I	AN	ACT	concerning

2 Criminal Procedure - Expungement - Nonjailable Offenses

- 3 FOR the purpose of authorizing a person to file a petition for expungement of a police,
- 4 court, or other record if the charge is not punishable by a term of imprisonment
- 5 under certain circumstances; prohibiting the filing of a petition for
- 6 expungement of records of a nonjailable offense within a certain amount of time
- 7 after the disposition of the charge; and generally relating to expungement of
- 8 records of charges for nonjailable offenses.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Criminal Procedure
- 11 Section 10-105
- 12 Annotated Code of Maryland
- 13 (2001 Volume and 2003 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

16 Article - Criminal Procedure

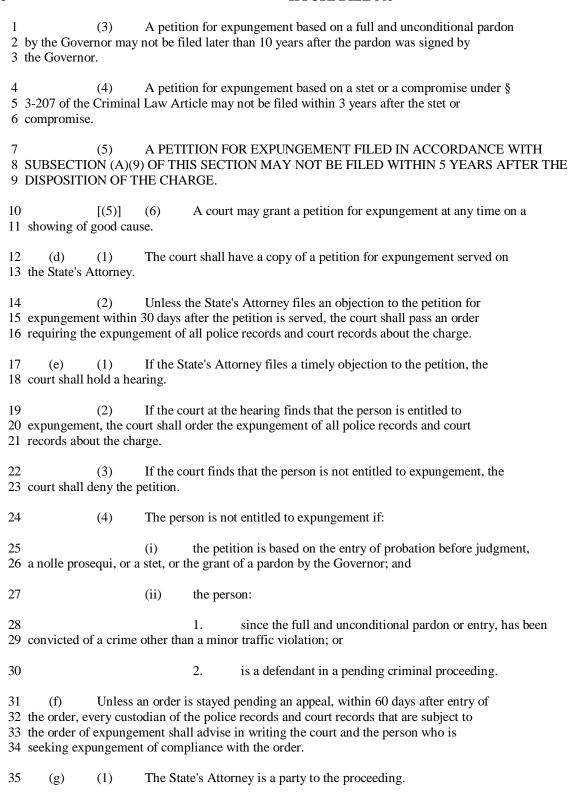
17 10-105.

- 18 (a) A person who has been charged with the commission of a crime, including
- 19 a violation of the Transportation Article for which a term of imprisonment may be
- 20 imposed, may file a petition listing relevant facts for expungement of a police record,
- 21 court record, or other record maintained by the State or a political subdivision of the
- 22 State if:
- 23 (1) the person is acquitted;
- 24 (2) the charge is otherwise dismissed;

HOUSE BILL 565

	(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;					
4	(4)	a nolle prosequi is entered;				
5 6	(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" on the docket;					
7	(6)	the case is compromised under § 3-207 of the Criminal Law Article;				
8 9	(7) article; [or]	the charge was transferred to the juvenile court under § 4-202 of this				
10	(8)	the pers	on:			
11 12	of violence; and	(i)	is convicted of only one criminal act, and that act is not a crime			
13		(ii)	is granted a full and unconditional pardon by the Governor; OR			
14	(9)	THE CH	HARGE IS NOT PUNISHABLE BY A TERM OF IMPRISONMENT			
15 16	(b) (1) person shall file a pet		as provided in paragraphs (2) and (3) of this subsection, a he court in which the proceeding began.			
	(2) court, the person shall transferred.		occeeding began in one court and was transferred to another petition in the court to which the proceeding was			
	(3) to a court exercising appellate court.	(i) appellate	If the proceeding in a court of original jurisdiction was appealed jurisdiction, the person shall file the petition in the			
23 24	original jurisdiction.	(ii)	The appellate court may remand the matter to the court of			
27	•	e filed w a writter	on for expungement based on an acquittal, a nolle prosequi, or within 3 years after the disposition, unless the petitioner in general waiver and release of all the petitioner's tort ex.			
29 30	(2) may not be filed earli		on for expungement based on a probation before judgment he later of:			
31		(i)	the date the petitioner was discharged from probation; or			
32		(ii)	3 years after the probation was granted.			

HOUSE BILL 565



- 1 (2) A party aggrieved by the decision of the court is entitled to appellate 2 review as provided in the Courts Article.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2004.