

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1156

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “repealing” and substitute “modifying”; and in line 5, after “proceeding;” insert “providing that a person is not entitled to expungement if the petition is based on the entry of a nolle prosequi, or a stet, or the grant of a pardon by the Governor for a certain charge involving child abuse or sexual abuse of a minor and, since the full or unconditional pardon or entry, the person has been convicted of a certain charge involving child abuse or sexual abuse of a minor; providing that a person is not entitled to expungement if the petition is based on the entry of a nolle prosequi, or a stet, or the grant of a pardon by the Governor for a certain crime of violence and, since the full or unconditional pardon or entry, the person has been convicted of a certain crime of violence;”.

AMENDMENT NO. 2

On page 1, in line 23, strike the bracket.

On page 2, strike beginning with the comma in line 1 down through “Governor” in line 4; in line 6, strike “full and unconditional pardon or”; in line 8, strike the bracket; and after line 8, insert:

“(5) THE PERSON IS NOT ENTITLED TO EXPUNGEMENT IF:

(I) THE PETITION IS BASED ON THE ENTRY OF A NOLLE PROSEQUI, OR A STET, OR THE GRANT OF A PARDON BY THE GOVERNOR FOR A CHARGE OF CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE OR SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE AND, SINCE THE FULL OR UNCONDITIONAL PARDON OR ENTRY, THE PERSON HAS BEEN CONVICTED OF CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE OR SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE;

(Over)

(II) THE PETITION IS BASED ON THE ENTRY OF A NOLLE PROSEQUI, OR A STET, OR THE GRANT OF A PARDON BY THE GOVERNOR FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE AND, SINCE THE FULL OR UNCONDITIONAL PARDON OR ENTRY, THE PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(III) THE PETITION IS BASED ON THE ENTRY OF A NOLLE PROSEQUI, OR A STET, INCLUDING A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, OR THE GRANT OF A PARDON BY THE GOVERNOR, AND THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.”.