
By: **Delegates Carter, Anderson, Branch, Cane, C. Davis, D. Davis, Gaines, Goodwin, Hammen, Haynes, Jones, Kaiser, Kelley, Kirk, Krysiak, Lee, Marriott, McIntosh, Menes, Murray, Nathan-Pulliam, Oaks, Paige, Patterson, Proctor, Ramirez, Rosenberg, Simmons, Taylor, F. Turner, Vallario, Vaughn, and Zirkin**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **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 2004 Supplement)

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

14 **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:

1 (i) the petition is based on the entry of probation before judgment,
2 a nolle prosequi, or a stet including a nolle prosequi with the requirement of drug or
3 alcohol treatment or a stet, with the requirement of drug or alcohol abuse treatment,
4 or the grant of a pardon by the Governor; and

5 (ii) the person:

6 1. since the full and unconditional pardon or entry, has been
7 convicted of a crime other than a minor traffic violation; or

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2005.