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By: **Delegate Marriott (By Request - Baltimore City Administration) and  
Delegates Anderson, Carter, Goodwin, Harrison, Krysiak, McHale,  
McIntosh, Oaks, Paige, Pugh, and Rosenberg**

Introduced and read first time: January 27, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Automatic Expungement of Records - Arrest Without**  
3 **Charge**

4 FOR the purpose of requiring a law enforcement unit, the centralized booking facility  
5 in Baltimore City, and the Central Repository in the Department of Public  
6 Safety and Correctional Services to expunge within a certain time period the  
7 police record of a person who is arrested, detained, or confined by a law  
8 enforcement unit in Baltimore City for the suspected commission of a crime and  
9 then is released from the centralized booking facility without being charged  
10 with the commission of a crime; requiring a law enforcement unit to send certain  
11 information to certain entities; requiring certain law enforcement units, the  
12 centralized booking facility in Baltimore City, and the Central Repository to  
13 send a certain notice; and generally relating to expungement of police records in  
14 Baltimore City.

15 BY repealing and reenacting, with amendments,  
16 Article - Criminal Procedure  
17 Section 10-103  
18 Annotated Code of Maryland  
19 (2001 Volume and 2005 Supplement)

20 BY adding to  
21 Article - Criminal Procedure  
22 Section 10-103.1  
23 Annotated Code of Maryland  
24 (2001 Volume and 2005 Supplement)

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

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**Article - Criminal Procedure**

2 10-103.

3 (A) THIS SECTION DOES NOT APPLY TO A PERSON ENTITLED TO  
4 EXPUNGEMENT UNDER § 10-103.1 OF THIS SUBTITLE.

5 [(a)] (B) A person who is arrested, detained, or confined by a law enforcement  
6 unit for the suspected commission of a crime and then is released without being  
7 charged with the commission of a crime may:

8 (1) give written notice of these facts to a law enforcement unit that the  
9 person believes may have a police record about the matter; and

10 (2) request the expungement of the police record.

11 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, a person  
12 may not give notice under this subtitle before the statute of limitations expires for all  
13 tort claims that arise from the incident.

14 (2) (i) A person may give notice before the statute of limitations  
15 expires if the person attaches to the notice a written general waiver and release, in  
16 legal form, of all tort claims that the person has arising from the incident.

17 (ii) The notice and waiver are not subject to expungement.

18 (3) The law enforcement unit shall keep the notice and waiver at least  
19 until any applicable statute of limitations expires.

20 (4) The person shall give the notice within 8 years after the date of the  
21 incident.

22 [(c)] (D) (1) On receipt of a timely filed notice, the law enforcement unit  
23 promptly shall investigate and try to verify the facts stated in the notice.

24 (2) If the law enforcement unit finds the facts are true, the law  
25 enforcement unit shall:

26 (i) search diligently for each police record about the arrest,  
27 detention, or confinement of the person;

28 (ii) expunge each police record it has about the arrest, detention, or  
29 confinement within 60 days after receipt of the notice; and

30 (iii) send a copy of the notice and the law enforcement unit's  
31 verification of the facts in the notice to:

32 1. the Central Repository;



1 (B) WITHIN 30 DAYS AFTER THE RELEASE OF A PERSON ENTITLED TO  
2 EXPUNGEMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LAW ENFORCEMENT  
3 UNIT THAT ARRESTED, DETAINED, OR CONFINED THE PERSON SHALL:

4 (1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE RECORD IT  
5 HAS ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON; AND

6 (2) SEND A NOTICE OF EXPUNGEMENT AND ALL RELEVANT FACTS  
7 ABOUT THE EXPUNGEMENT AND THE UNDERLYING ARREST, DETENTION, OR  
8 CONFINEMENT TO:

9 (I) THE CENTRAL REPOSITORY;

10 (II) THE CENTRALIZED BOOKING FACILITY AND EACH LAW  
11 ENFORCEMENT UNIT THAT THE LAW ENFORCEMENT UNIT BELIEVES MAY HAVE A  
12 POLICE RECORD ABOUT THE ARREST, DETENTION, OR CONFINEMENT; AND

13 (III) THE PERSON ENTITLED TO EXPUNGEMENT.

14 (C) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL  
15 REPOSITORY, THE CENTRALIZED BOOKING FACILITY IN BALTIMORE CITY, AND EACH  
16 LAW ENFORCEMENT UNIT OR BOOKING FACILITY CONTACTED UNDER SUBSECTION  
17 (B)(2) OF THIS SECTION SHALL:

18 (1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE  
19 RECORD IT HAS ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON  
20 ENTITLED TO EXPUNGEMENT; AND

21 (2) SEND NOTICE IN WRITING OF COMPLETION OF THE  
22 EXPUNGEMENT TO THE PERSON ENTITLED TO EXPUNGEMENT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2006.