
By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: January 24, 2006

Assigned to: Judicial Proceedings

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:

Article - Criminal Procedure

10-103.

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

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

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

(2) request the expungement of the police record.

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

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

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

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

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

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

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

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

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

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

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 RECORD IT
19 HAS ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON ENTITLED
20 TO EXPUNGEMENT; AND

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

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