

**HB0010/402311/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 10  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “date;” insert “requiring the expungement of certain police records if certain procedures are met; repealing certain provisions relating to a request for expungement of a certain police record that require written notice to be provided to a law enforcement unit; repealing certain provisions prohibiting a person from giving a certain notice before a certain statute of limitations expires; making a certain conforming change; repealing certain provisions that allow for a certain expungement to occur before a certain date if a certain waiver is filed;”; in line 7, strike “, detentions;”; in line 8, strike “, detained;”; in line 13, after “expungement;” insert “establishing that a police record that is expunged under certain circumstances may not be expunged by obliteration for a certain period of time; providing the method by which certain records are to be expunged for a certain period of time and the circumstances under which the records can be accessed;”; in line 14, strike “fees and”; and after line 17, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 10-101(e)

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 20, after “10-102(a)” insert “and (b)(3)”.

On page 2, after line 10, insert:

(Over)

“(b) (3) The limitation periods provided in [ §§ 10-103 and 10-105 ] § 10-105 of this subtitle begin when the person become entitled to expungement of a court record or a police record that existed before July 1, 1975.”.

AMENDMENT NO. 3

On page 2, strike beginning with the colon in line 15 down through “(2)” in line 18; strike beginning with “(1)” in line 19 down through “(4)” in line 28; and in line 28, strike “give the notice” and substitute “**REQUEST EXPUNGEMENT**”.

On page 3, in lines 1, 2, 8, 9, 10, 16, and 21, in each instance, strike “notice” and substitute “**REQUEST**”; in line 16, strike “30” and substitute “**60**”; and in line 19, strike “notice” and substitute “**A REQUEST**”.

On page 4, after line 10, insert:

**“(G) A PERSON WHO IS ENTITLED TO EXPUNGEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEE OR COSTS IN CONNECTION WITH THE EXPUNGEMENT.”;**

in line 12, strike “, **DETENTIONS,**”; in line 13, strike “, **DETAINED,**”; in line 18, strike “**30**” and substitute “**60**”; in line 22, strike “, **DETENTION,**”; in line 25, strike the comma; and in line 26, strike “**DETENTION,**”.

On page 5, in lines 3 and 9, in each instance, strike “, **DETENTION,**”; and in line 5, strike “**30**” and substitute “**60**”.

AMENDMENT NO. 4

On page 2, after line 7, insert:

“10-101.

(e) “Expungement” with respect to a court record or a police record means removal from public inspection:

(1) by obliteration;

(2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or

(3) if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.”.

On page 5, after line 12, insert:

**“(D) (1) A POLICE RECORD EXPUNGED UNDER THIS SECTION MAY NOT BE EXPUNGED BY OBLITERATION UNTIL 3 YEARS AFTER THE DATE OF EXPUNGEMENT.**

**(2) DURING THE 3-YEAR PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE RECORDS SHALL BE REMOVED TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS.**

**(3) FOR PURPOSES OF THIS SUBSECTION, A LEGITIMATE REASON FOR ACCESSING THE RECORDS INCLUDES USING THE RECORDS FOR PURPOSES OF PROCEEDINGS RELATING TO THE ARREST.”;**

in lines 13 and 20, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; and in line 19, strike “AND REASONABLE ATTORNEY’S FEES”.