

HOUSE BILL 278

E2

71r0825
CF SB 299

By: **Chair, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: January 31, 2007

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Expungement - Civil Offenses or Infractions**

3 FOR the purpose of providing for expungement of court, police, and other
4 governmental records concerning certain civil offenses or infractions under
5 certain circumstances; providing for the application of this Act; and generally
6 relating to expungement of court, police, and other governmental records
7 concerning certain civil offenses or infractions under certain circumstances.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 10-101(c)(1) and (h) and 10-105(a)
11 Annotated Code of Maryland
12 (2001 Volume and 2006 Supplement)

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

15 **Article - Criminal Procedure**

16 10-101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) (1) “Court record” means an official record of a court [about a criminal
2 proceeding] that the clerk of a court or other court personnel keeps **ABOUT:**

3 (I) **A CRIMINAL PROCEEDING; OR**

4 (II) **ANY OTHER PROCEEDING, EXCEPT A JUVENILE**
5 **PROCEEDING, CONCERNING A CIVIL OFFENSE OR INFRACTION ENACTED UNDER**
6 **STATE OR LOCAL LAW AS A SUBSTITUTE FOR A CRIMINAL CHARGE.**

7 (h) “Police record” means an official record that a law enforcement unit,
8 booking facility, or the Central Repository maintains about the arrest and detention
9 of, or further proceeding against, a person for:

10 (1) a criminal charge;

11 (2) a suspected violation of a criminal law; [or]

12 (3) a violation of the Transportation Article for which a term of
13 imprisonment may be imposed; **OR**

14 (4) **A CIVIL OFFENSE OR INFRACTION, EXCEPT A JUVENILE**
15 **OFFENSE, ENACTED UNDER STATE OR LOCAL LAW AS A SUBSTITUTE FOR A**
16 **CRIMINAL CHARGE.**

17 10–105.

18 (a) A person who has been charged with the commission of a crime, including
19 a violation of the Transportation Article for which a term of imprisonment may be
20 imposed, **OR WHO HAS BEEN CHARGED WITH A CIVIL OFFENSE OR INFRACTION,**
21 **EXCEPT A JUVENILE OFFENSE, AS A SUBSTITUTE FOR A CRIMINAL CHARGE** may
22 file a petition listing relevant facts for expungement of a police record, court record, or
23 other record maintained by the State or a political subdivision of the State if:

24 (1) the person is acquitted;

25 (2) the charge is otherwise dismissed;

26 (3) a probation before judgment is entered, unless the person is
27 charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5
28 or § 3–211 of the Criminal Law Article;

1 (4) a nolle prosequi or nolle prosequi with the requirement of drug or
2 alcohol treatment is entered;

3 (5) the court indefinitely postpones trial of a criminal charge by
4 marking the criminal charge "stet" or stet with the requirement of drug or alcohol
5 abuse treatment on the docket;

6 (6) the case is compromised under § 3-207 of the Criminal Law
7 Article;

8 (7) the charge was transferred to the juvenile court under § 4-202 of
9 this article; or

10 (8) the person:

11 (i) is convicted of only one criminal act, and that act is not a
12 crime of violence; and

13 (ii) is granted a full and unconditional pardon by the Governor.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply retroactively and shall be applied to and interpreted to affect a civil
16 offense or infraction occurring on or before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.