

CHAPTER 388

(House Bill 278)

AN ACT concerning

Expungement – Civil Offenses or Infractions

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

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

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

Article – Criminal Procedure

10–101.

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

(I) A CRIMINAL PROCEEDING; OR

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

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

(1) a criminal charge;

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

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

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

10-105.

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

(1) the person is acquitted;

(2) the charge is otherwise dismissed;

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

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

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

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

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

(8) the person:

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

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

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

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

Approved by the Governor, May 8, 2007.