HOUSE BILL 685

By: **Delegates Rosenberg, Anderson, Barnes, Cane, Carter, Conaway, Dumais, Lee, Levi, Ramirez, Valderrama, and Vallario**
Introduced and read first time: February 1, 2008
Assigned to: Judiciary

A BILL ENTITLED

1   AN ACT concerning

2   **Police and Court Records – Nuisance Crimes – Expungement**

3   FOR the purpose of authorizing a person convicted of a certain crime who completed
4   the sentence imposed for the conviction, including probation, to petition for the
5   expungement of certain records maintained by the State pertaining to the
6   conviction; prohibiting the petition from being filed during a certain time; and
7   generally relating to the expungement of police records, court records, and other
8   records maintained by the State.

9   BY renumbering
10   Article – Criminal Procedure
11   Section 10–105(c)(6)
12   to be Section 10–105(c)(7)
13   Annotated Code of Maryland
14   (2001 Volume and 2007 Supplement)

15   BY repealing and reenacting, with amendments,
16   Article – Criminal Procedure
17   Section 10–105(a)
18   Annotated Code of Maryland
19   (2001 Volume and 2007 Supplement)

20   BY adding to
21   Article – Criminal Procedure
22   Section 10–105(c)(6)
23   Annotated Code of Maryland
24   (2001 Volume and 2007 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1   SECTION 1.   BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2   MARYLAND, That Section(s) 10–105(c)(6) of Article – Criminal Procedure of the
3   Annotated Code of Maryland be renumbered to be Section(s) 10–105(c)(7).

4   SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5   read as follows:

Article – Criminal Procedure

7   10–105.

8   (a)   A person who has been charged with the commission of a crime, including
9   a violation of the Transportation Article for which a term of imprisonment may be
10 imposed, or who has been charged with a civil offense or infraction, except a juvenile
11 offense, as a substitute for a criminal charge may file a petition listing relevant facts
12 for expungement of a police record, court record, or other record maintained by the
13 State or a political subdivision of the State if:

14   (1)   the person is acquitted;

15   (2)   the charge is otherwise dismissed;

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

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

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

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

26   (7)   the charge was transferred to the juvenile court under § 4–202 of
27 this article; **[or]**

28   (8)   the person:

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

31   (ii)   is granted a full and unconditional pardon by the Governor**;**
32 **OR**

1   **(9) THE PERSON WAS CONVICTED OF A CRIME UNDER ANY STATE**
2 **OR LOCAL LAW THAT PROHIBITS:**

3   **(I) URINATION OR DEFECATION IN A PUBLIC PLACE;**

4   **(II) PANHANDLING OR SOLICITING MONEY;**

5   **(III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC**
6 **PLACE;**

7   **(IV) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A**
8 **PUBLIC PLACE OR A PUBLIC CONVEYANCE;**

9   **(V) WANTON TRESPASS ON PRIVATE PROPERTY;**

10   **(VI) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS**
11 **BENCHES OR DOORWAYS;**

12   **(VII) LOITERING;**

13   **(VIII) VAGRANCY; OR**

14   **(IX) RIDING A TRANSIT VEHICLE WITHOUT PAYING THE**
15 **APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE ACTS**
16 **SPECIFIED IN § 7–705 OF THE TRANSPORTATION ARTICLE.**

17   (c) **(6) A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION**
18 **OF A CRIME UNDER SUBSECTION (A)(9) OF THIS SECTION MAY NOT BE FILED**
19 **WITHIN 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF**
20 **THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE**
21 **CONVICTION, WHICHEVER IS LATER.**

22   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.