

HOUSE BILL 685

E2
HB 607/05 – JUD

8lr1217

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2008

CHAPTER _____

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;
7 providing that a person is not entitled to an expungement under certain
8 circumstances; clarifying that a person who is not entitled to an expungement
9 for a certain conviction is not entitled to an expungement of any other
10 conviction; and generally relating to the expungement of police records, court
11 records, and other records maintained by the State.

12 BY renumbering

13 Article – Criminal Procedure

14 Section 10–105(c)(6)

15 to be Section 10–105(c)(7)

16 Annotated Code of Maryland

17 (2001 Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Criminal Procedure

20 Section 10–105(a) and (e)(4) and 10–107(b)

21 Annotated Code of Maryland

22 (2001 Volume and 2007 Supplement)

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 BY adding to
2 Article – Criminal Procedure
3 Section 10–105(c)(6)
4 Annotated Code of Maryland
5 (2001 Volume and 2007 Supplement)

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

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

11 **Article – Criminal Procedure**
12 10–105.

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

19 (1) the person is acquitted;

20 (2) the charge is otherwise dismissed;

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

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

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

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

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

33 (8) the person:

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

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

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

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

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

9 **(III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC**
10 **PLACE;**

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

13 ~~**(V) WANTON TRESPASS ON PRIVATE PROPERTY;**~~

14 ~~**(VI)**~~ **(V) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS**
15 **BENCHES OR DOORWAYS;**

16 ~~**(VII)**~~ **(VI) LOITERING;**

17 ~~**(VIII)**~~ **(VII) VAGRANCY; OR**

18 ~~**(IX)**~~ **(VIII) RIDING A TRANSIT VEHICLE WITHOUT PAYING**
19 **THE APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE**
20 **ACTS SPECIFIED IN § 7-705 OF THE TRANSPORTATION ARTICLE.**

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

26 **(e) (4) The person is not entitled to expungement if:**

27 **(i) the petition is based on the entry of probation before**
28 **judgment, a nolle prosequi, [or] a stet, including a nolle prosequi with the requirement**
29 **of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse**
30 **treatment, A CONVICTION FOR A CRIME SPECIFIED IN SUBSECTION (A)(9) OF**
31 **THIS SECTION, or the grant of a pardon by the Governor; and**

1 (ii) the person:

2 1. since the full and unconditional pardon [or], entry,
3 OR CONVICTION has been convicted of a crime other than a minor traffic violation; or

4 2. is a defendant in a pending criminal proceeding.

5 10-107.

6 (b) (1) If a person is not entitled to expungement of one charge OR
7 CONVICTION in a unit, the person is not entitled to expungement of any other charge
8 OR CONVICTION in the unit.

9 (2) The disposition of a charge for a minor traffic violation that arises
10 from the same incident, transaction, or set of facts as a charge in the unit does not
11 affect any right to expungement of a charge OR CONVICTION in the unit.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.