

SENATE BILL 695

E2

8lr2352
CF HB 685

By: **Senators Gladden, Frosh, and Muse**
Introduced and read first time: February 1, 2008
Assigned to: Judicial Proceedings

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)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 10–105.

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

11 (1) the person is acquitted;

12 (2) the charge is otherwise dismissed;

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

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

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

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

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

25 (8) the person:

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

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

29 **OR**

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

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

- 1 **(II) PANHANDLING OR SOLICITING MONEY;**
- 2 **(III) DRINKING AN ALCOHOLIC BEVERAGE IN A PUBLIC**
3 **PLACE;**
- 4 **(IV) OBSTRUCTING THE FREE PASSAGE OF ANOTHER IN A**
5 **PUBLIC PLACE OR A PUBLIC CONVEYANCE;**
- 6 **(V) WANTON TRESPASS ON PRIVATE PROPERTY;**
- 7 **(VI) SLEEPING ON OR IN PARK STRUCTURES, SUCH AS**
8 **BENCHES OR DOORWAYS;**
- 9 **(VII) LOITERING;**
- 10 **(VIII) VAGRANCY; OR**
- 11 **(IX) RIDING A TRANSIT VEHICLE WITHOUT PAYING THE**
12 **APPLICABLE FARE OR EXHIBITING PROOF OF PAYMENT OR ANY OF THE ACTS**
13 **SPECIFIED IN § 7-705 OF THE TRANSPORTATION ARTICLE.**

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

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