HOUSE BILL 1368

E2 0lr3199

By: Delegate McConkey

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2 3	Criminal Procedure – Expungement of Court and Police Records – Prohibition for Embezzlement
4	FOR the purpose of establishing that a court or police record related to a charge of,
5 6 7	conviction of, or granting of probation before judgment for embezzlement may not be expunged; and generally relating to the expungement of court and police records.
8	BY repealing and reenacting, without amendments,
9	Article – Criminal Law
10	Section 7–113
11	Annotated Code of Maryland
12	(2002 Volume and 2009 Supplement)
13	BY adding to
14	Article – Criminal Procedure
15	Section 10–110
16	Annotated Code of Maryland
17	(2008 Replacement Volume and 2009 Supplement)
18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19	MARYLAND, That the Laws of Maryland read as follows:
20	Article - Criminal Law
21	7–113.
22	(a) A fiduciary may not:



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October 1, 2010.

1 (1) fraudulently and willfully appropriate money or a thing of value 2 that the fiduciary holds in a fiduciary capacity contrary to the requirements of the fiduciary's trust responsibility; or 3 4 secrete money or a thing of value that the fiduciary holds in a 5 fiduciary capacity with a fraudulent intent to use the money or thing of value contrary to the requirements of the fiduciary's trust responsibility. 6 7 A person who violates this section is guilty of the misdemeanor of 8 embezzlement and on conviction is subject to imprisonment for not less than 1 year 9 and not exceeding 5 years. 10 A person who violates this section is subject to § 5–106(b) of the Courts (c) Article. 11 12 Article - Criminal Procedure 10-110. 13 14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COURT RECORD OR 15 POLICE RECORD RELATED TO A CHARGE OF, CONVICTION OF, OR GRANTING OF 16 PROBATION UNDER § 6-220 OF THIS ARTICLE FOR, A VIOLATION OF § 7-113 OF 17 THE CRIMINAL LAW ARTICLE MAY NOT BE EXPUNGED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect