

HOUSE BILL 1255

E2

11r2962

By: **Delegates Anderson and Glenn**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Police and Court Records – Felony Theft – Expungement**

3 FOR the purpose of authorizing a person convicted of the crime of felony theft of
4 property or of services with a certain value, who completed the sentence
5 imposed for the conviction, including probation, to petition for the expungement
6 of certain records pertaining to the conviction that are maintained by the State
7 or a political subdivision of the State; prohibiting the petition from being filed
8 until after a certain period; making a conforming change; and generally relating
9 to the expungement of police records, court records, and other records
10 maintained by the State or a political subdivision of the State.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 10–105(a) and (e)(4)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2010 Supplement)

16 BY adding to
17 Article – Criminal Procedure
18 Section 10–105(c)(8)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2010 Supplement)

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

23 **Article – Criminal Procedure**

24 10–105.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

7 (1) the person is acquitted;

8 (2) the charge is otherwise dismissed;

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

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

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

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

19 (7) the charge was transferred to the juvenile court under § 4–202 of
20 this article;

21 (8) the person:

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

24 (ii) is granted a full and unconditional pardon by the Governor;
25 [or]

26 (9) the person was convicted of a crime under any State or local law
27 that prohibits:

28 (i) urination or defecation in a public place;

29 (ii) panhandling or soliciting money;

30 (iii) drinking an alcoholic beverage in a public place;

31 (iv) obstructing the free passage of another in a public place or a
32 public conveyance;

1 (v) sleeping on or in park structures, such as benches or
2 doorways;

3 (vi) loitering;

4 (vii) vagrancy;

5 (viii) riding a transit vehicle without paying the applicable fare or
6 exhibiting proof of payment; or

7 (ix) except for carrying or possessing an explosive, acid,
8 concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the
9 Transportation Article, any of the acts specified in § 7-705 of the Transportation
10 Article; OR

11 **(10) THE PERSON IS CONVICTED OF ONLY ONE CRIMINAL ACT AND**
12 **THAT ACT IS FELONY THEFT OF PROPERTY OR OF SERVICES WITH A VALUE OF**
13 **\$300 OR MORE.**

14 (c) **(8) A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION**
15 **OF A CRIME UNDER SUBSECTION (A)(10) OF THIS SECTION MAY NOT BE FILED**
16 **UNTIL 10 YEARS AFTER THE CONVICTION, PROVIDED THAT THE 10-YEAR**
17 **PERIOD INCLUDES THE SATISFACTORY COMPLETION OF THE SENTENCE THAT**
18 **WAS IMPOSED FOR THE CONVICTION AND THE COMPLETION OF ANY PERIOD OF**
19 **PROBATION THAT WAS GRANTED AS PART OF THE SENTENCE.**

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

21 (i) the petition is based on the entry of probation before
22 judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of
23 drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse
24 treatment, a conviction for a crime specified in subsection (a)(9) OR (10) of this
25 section, or the grant of a pardon by the Governor; and

26 (ii) the person:

27 1. since the full and unconditional pardon, entry, or
28 conviction has been convicted of a crime other than a minor traffic violation; or

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.