E2 2lr2932 CF 2lr1069

By: Senator Jones-Rodwell (By Request - Task Force on Prisoner Reentry) and Senator Frosh

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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Criminal Records - Shielding - Nonviolent Convictions

3 FOR the purpose of requiring court records and police records relating to a conviction 4 to be shielded automatically at a certain time, depending on whether the 5 conviction is for a misdemeanor or a felony; providing that if a certain person is 6 convicted of a new crime during a certain time period, a certain original 7 conviction is not eligible for shielding unless the new conviction becomes eligible 8 for shielding; prohibiting the Maryland Judiciary Case Search from in any way 9 referring to the existence of specific records shielded in accordance with this 10 Act; providing that a conviction that has been shielded in accordance with this 11 Act may not be considered a conviction for certain purposes; requiring a certain 12 custodian to deny inspection of criminal records and police records relating to the conviction of a crime that has been shielded under this Act; providing that 13 this Act does not apply to a conviction of a crime of violence as defined under a 14 15 certain provision of law; defining certain terms; and generally relating to the 16 shielding of court records and police records.

17 BY adding to

20

18 Article – Criminal Procedure

19 Section 10–301 through 10–305 to be under the new subtitle "Subtitle 3.

Shielding"

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2011 Supplement)

23 BY adding to

24 Article – State Government

25 Section 10–616(v)

26 Annotated Code of Maryland

27 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



	SENATE BILL 007
$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - Criminal Procedure
4	SUBTITLE 3. SHIELDING.
5	10–301.
6 7	(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
8 9	(B) "COURT RECORD" HAS THE MEANING STATED IN § 10–101 OF THIS TITLE.
10 11	(c) "Criminal justice unit" has the meaning stated in § $10-201$ of this title.
12 13	(D) "POLICE RECORD" HAS THE MEANING STATED IN § 10–101 OF THIS TITLE.
14 15	(E) (1) "SHIELD" MEANS TO RENDER A COURT RECORD OR POLICE RECORD INACCESSIBLE BY MEMBERS OF THE PUBLIC.
16	(2) A SHIELDED RECORD SHALL REMAIN FULLY ACCESSIBLE BY:
17	(I) CRIMINAL JUSTICE UNITS; AND
18 19 20	(II) PROSPECTIVE EMPLOYERS WHO ARE SUBJECT TO A STATUTORY REQUIREMENT TO INQUIRE INTO AN APPLICANT'S CRIMINAL BACKGROUND.
21	10-302.
22 23	THIS SUBTITLE DOES NOT APPLY TO A CONVICTION OF A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

- 24 **10–303.**
- 25 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, COURT 26 RECORDS AND POLICE RECORDS RELATING TO A CONVICTION SHALL BE
- 27 SHIELDED AUTOMATICALLY:

- 1 (1) 3 YEARS AFTER THE PERSON SATISFIES THE SENTENCE 2 IMPOSED FOR THE CONVICTION, INCLUDING PAROLE, PROBATION, OR 3 MANDATORY SUPERVISION, IN THE CASE OF A MISDEMEANOR CONVICTION; OR
- 4 (2) 5 YEARS AFTER THE PERSON SATISFIES THE SENTENCE 5 IMPOSED FOR THE CONVICTION, INCLUDING PAROLE, PROBATION, OR 6 MANDATORY SUPERVISION, IN THE CASE OF A FELONY CONVICTION.
- 7 (B) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE 8 APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (A) OF THIS SECTION, 9 THE ORIGINAL CONVICTION IS NOT ELIGIBLE FOR SHIELDING UNLESS THE NEW 10 CONVICTION BECOMES ELIGIBLE FOR SHIELDING.
- 11 **10–304.**
- THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER
 TO THE EXISTENCE OF SPECIFIC RECORDS SHIELDED IN ACCORDANCE WITH
- 14 THIS SUBTITLE.
- 15 **10–305.**
- A CONVICTION THAT HAS BEEN SHIELDED UNDER THIS SUBTITLE MAY
- 17 NOT BE CONSIDERED A CONVICTION FOR PURPOSES OF § 10–105(E)(4)(II)1 OF
- 18 THIS TITLE.
- 19 Article State Government
- 20 **10–616.**
- 21 (V) A CUSTODIAN SHALL DENY INSPECTION OF CRIMINAL RECORDS
- 22 AND POLICE RECORDS RELATING TO THE CONVICTION OF A CRIME THAT HAVE
- 23 BEEN SHIELDED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL PROCEDURE
- 24 ARTICLE.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 26 October 1, 2012.