

HOUSE BILL 854

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3lr2454
CF SB 479

By: **Delegates Dumais, Rosenberg, Valderrama, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – Not Criminally Responsible**

3 FOR the purpose of authorizing a certain person to file a petition for expungement of
4 certain records if the person was found not criminally responsible under any
5 State or local law that prohibits certain acts; and generally relating to
6 expungement of criminal records.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 10–105(a)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2012 Supplement)

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

14 **Article – Criminal Procedure**

15 10–105.

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

22 (1) the person is acquitted;

23 (2) the charge is otherwise dismissed;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

13 (8) the person:

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

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

18 (9) the person was convicted of a crime **OR FOUND NOT CRIMINALLY**
19 **RESPONSIBLE** under any State or local law that prohibits:

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

21 (ii) panhandling or soliciting money;

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

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

25 (v) sleeping on or in park structures, such as benches or
26 doorways;

27 (vi) loitering;

28 (vii) vagrancy;

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

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

5 **(10) THE PERSON WAS FOUND NOT CRIMINALLY RESPONSIBLE**
6 **UNDER ANY STATE OR LOCAL LAW THAT PROHIBITS MISDEMEANOR:**

7 **(I) ASSAULT;**

8 **(II) POSSESSION OF A CONTROLLED DANGEROUS**
9 **SUBSTANCE;**

10 **(III) TRESPASS;**

11 **(IV) DISTURBING THE PEACE; OR**

12 **(V) TELEPHONE MISUSE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.