

HB0777/253125/1

BY: Delegate Atterbeary

AMENDMENTS TO HOUSE BILL 777
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “penalty;” insert “providing for the expungement of a conviction under this Act;”; and after line 23, insert:

“BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 10-105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 12, insert:

“Article – Criminal Procedure

10–105.

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

- (1) the person is acquitted;
- (2) the charge is otherwise dismissed;

(Over)

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

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

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

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

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

(8) the person:

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

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

(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

(i) urination or defecation in a public place;

(ii) panhandling or soliciting money;

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

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

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

(vi) loitering;

(vii) vagrancy;

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

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

(X) SMOKING OR CONSUMING MARIJUANA IN A PUBLIC PLACE;

(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor;

(i) trespass;

(ii) disturbing the peace; or

(iii) telephone misuse; or

(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime.”.