

HOUSE BILL 422

E2

9lr1975

By: **Delegates Anderson and J. Lewis**

Introduced and read first time: January 31, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Convictions – Clarification**

3 FOR the purpose of correcting incorrect references; repealing incorrect references; making
4 stylistic, clarifying, and technical changes; and generally relating to expungement.

5 BY repealing and reenacting, with amendments,

6 Article – Criminal Procedure

7 Section 10–110(a)

8 Annotated Code of Maryland

9 (2018 Replacement Volume)

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

12 **Article – Criminal Procedure**

13 10–110.

14 (a) A person may file a petition listing relevant facts for expungement of a police
15 record, court record, or other record maintained by the State or a political subdivision of
16 the State if the person is convicted of:

17 (1) a misdemeanor that is a violation of:

18 (i) § 6–320 (**DISORDERLY INTOXICATION**) of the Alcoholic
19 Beverages Article;

20 (ii) [an offense] **A STATUTE** listed in § 17–613(a) (**VIOLATIONS OF**
21 **THE MARYLAND REAL ESTATE BROKERS ACT**) of the Business Occupations and
22 Professions Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) **TITLE 5, SUBTITLE 6 (PERPETUAL CARE OF CEMETERIES),**
2 **§ 5-712 (FAILURE TO DEPOSIT MONEY RECEIVED IN CONNECTION WITH A PRENEED**
3 **BURIAL CONTRACT), TITLE 5, SUBTITLE 9 (CEMETERY-RELATED VIOLATIONS), §**
4 **19-304 (VIOLATIONS RELATING TO RETURNABLE CONTAINERS AND TEXTILES), OR §**
5 **19-308[, or Title 5, Subtitle 6 or Subtitle 9] (VIOLATIONS RELATING TO PLASTIC**
6 **SECONDARY PACKAGING) of the Business Regulation Article;**

7 (iv) **§ 3-1508 [or § 10-402] (FAILURE TO COMPLY WITH A PEACE**
8 **ORDER) of the Courts Article;**

9 (v) **§ 14-1915 (VIOLATION OF THE MARYLAND CREDIT**
10 **SERVICES BUSINESSES ACT), § 14-2902 (FALSE OR FRAUDULENT ADVERTISING), or**
11 **§ 14-2903 (BAIT AND SWITCH) of the Commercial Law Article;**

12 (vi) **§ 5-211 of this article (FAILURE TO SURRENDER AFTER**
13 **FORFEITURE OF BAIL OR RECOGNIZANCE);**

14 (vii) **§ 3-203 (SECOND-DEGREE ASSAULT) or § 3-808 (FILING**
15 **FRAUDULENT LIEN) of the Criminal Law Article;**

16 (viii) **§ 5-601 (POSSESSING OR ADMINISTERING CONTROLLED**
17 **DANGEROUS SUBSTANCE) not involving the use or possession of marijuana, § 5-618**
18 **(POSSESSING OR PURCHASING NONCONTROLLED SUBSTANCE REASONABLY**
19 **BELIEVED TO BE A CONTROLLED DANGEROUS SUBSTANCE), § 5-619 (USE OR**
20 **POSSESSION OF DRUG PARAPHERNALIA), § 5-620 (OBTAINING, POSSESSING, OR**
21 **DISTRIBUTING CONTROLLED PARAPHERNALIA), § 5-703 (UNSOLICITED MAILING OF**
22 **CONTROLLED DANGEROUS SUBSTANCE), § 5-708 (USING INHALANT), or § 5-902**
23 **(MISCELLANEOUS CRIMES RELATING TO CONTROLLED DANGEROUS SUBSTANCES) of**
24 **the Criminal Law Article;**

25 (ix) **§ 6-105 (MALICIOUS BURNING OF PERSONAL PROPERTY IN**
26 **THE SECOND DEGREE), § 6-108 (BURNING THE CONTENTS OF A TRASH CONTAINER),**
27 **§ 6-206 (BREAKING AND ENTERING A MOTOR VEHICLE - ROGUE AND VAGABOND), §**
28 **6-303 (ELECTRICAL PUBLIC UTILITY INTERFERENCE), § 6-306 (REMOVAL OR**
29 **DEFACEMENT OF SERIAL NUMBER ON MANUFACTURED GOOD), § 6-307 (SALE OR**
30 **POSSESSION OF STOLEN SERIAL NUMBER), § 6-402 (TRESPASS ON POSTED**
31 **PROPERTY), or § 6-503 (UNAUTHORIZED ACCESS TO RAILROAD VEHICLE OR**
32 **PROPERTY) of the Criminal Law Article;**

33 (x) **§ 7-104 (THEFT), § 7-203 (UNAUTHORIZED REMOVAL OF**
34 **PROPERTY), § 7-205 (FAILURE TO RETURN RENTAL VEHICLE), § 7-304 (OBTAINING**
35 **OR SELLING TELEPHONE RECORDS WITHOUT AUTHORIZATION), OR § 7-308[, or §**
36 **7-309] (UNAUTHORIZED TRANSFER OF RECORDED SOUNDS OR IMAGES) of the**

1 Criminal Law Article;

2 (xi) § 8-103 (OBTAINING PROPERTY OR SERVICES BY BAD
3 CHECK), § 8-206 (CREDIT CARD FRAUD), § 8-401 (FRAUDULENT CONVERSION OF
4 PARTNERSHIP ASSETS), § 8-402 (FRAUDULENT MISREPRESENTATION BY
5 CORPORATE OFFICER OR AGENT), § 8-404 (ESTABLISHING, OPERATING, OR
6 PROMOTING A PYRAMID PROMOTIONAL SCHEME), § 8-406 (MISUSE OF DOCUMENTS
7 OF TITLE), § 8-408 (UNLAWFUL SUBLEASING OF MOTOR VEHICLE), § 8-503 (PUBLIC
8 ASSISTANCE FRAUD), § 8-521 (FRAUDULENTLY OBTAINING LEGAL REPRESENTATION
9 FROM OFFICE OF THE PUBLIC DEFENDER), § 8-523 (MAKING FALSE STATEMENT
10 RELATING TO HOUSING ASSISTANCE), or § 8-904 (RACING HORSE UNDER FALSE
11 NAME) of the Criminal Law Article;

12 (xii) § 9-204 (BRIBERY OF PERSON PARTICIPATING IN OR
13 CONNECTED WITH ATHLETIC CONTEST), § 9-205 (ACCEPTANCE OF BRIBE BY PERSON
14 PARTICIPATING IN OR CONNECTED WITH ATHLETIC CONTEST), § 9-503 (FALSE
15 STATEMENT TO PUBLIC OFFICIAL CONCERNING CRIME OR HAZARD), or § 9-506
16 (FALSIFYING OR CONCEALING A MATERIAL FACT IN CONNECTION WITH AN
17 APPLICATION FOR FUNDS FROM THE MARYLAND HIGHER EDUCATION
18 COMMISSION) of the Criminal Law Article;

19 (xiii) § 10-110 (LITTERING), § 10-201 (DISTURBING THE PUBLIC
20 PEACE AND DISORDERLY CONDUCT), § 10-402 (UNAUTHORIZED REMOVAL OF HUMAN
21 REMAINS FROM A BURIAL SITE), OR § 10-404[, or § 10-502] (DAMAGING OR REMOVING
22 FUNERARY OBJECTS) of the Criminal Law Article;

23 (xiv) § 11-306(a) (PROSTITUTION) of the Criminal Law Article;

24 (xv) § 12-102 (BETTING, WAGERING, OR GAMBLING), § 12-103
25 (PLAYING CERTAIN GAMES FOR MONEY), § 12-104 (KEEPING A GAMING DEVICE OR
26 PLACE FOR GAMBLING), § 12-105 (OFFSHORE GAMBLING), § 12-109 (PREARRANGING
27 HORSE RACE RESULTS), § 12-203 (HOLDING A LOTTERY OR SELLING A LOTTERY
28 DEVICE), § 12-204 (KEEPING A HOUSE, OFFICE, OR OTHER PLACE FOR THE PURPOSE
29 OF SELLING OR BARTERING A LOTTERY DEVICE), § 12-205 (POSSESSION OF LOTTERY
30 DEVICE OR LOTTERY RECORDS), or § 12-302 (POSSESSION OR OPERATION OF SLOT
31 MACHINE) of the Criminal Law Article;

32 (xvi) § 13-401 (FAILURE TO INCLUDE AUTHORITY LINE IN
33 CAMPAIGN MATERIAL), § 13-602 (MISCELLANEOUS PROHIBITED ACTS RELATING TO
34 CAMPAIGN FINANCE), or § 16-201 (OFFENSES RELATING TO VOTING) of the Election
35 Law Article;

36 (xvii) § 4-509 (VIOLATION OF PROTECTIVE ORDER) of the Family
37 Law Article;

1 (xviii) § 18–215 (VIOLATIONS RELATING TO INFECTIOUS OR
2 CONTAGIOUS DISEASE REPORTS) of the Health – General Article;

3 (xix) § 4–411 (MAKING FALSE STATEMENT OR REPORT IN
4 CONNECTION WITH THE RENTAL HOUSING PROGRAM) or § 4–2005 (MAKING FALSE
5 STATEMENT OR REPORT IN CONNECTION WITH THE ENERGY-EFFICIENT HOMES
6 CONSTRUCTION LOAN PROGRAM) of the Housing and Community Development Article;

7 (xx) § 27–403 (FAILURE TO RETURN PREMIUMS; FALSE OR
8 MISLEADING CLAIMS), § 27–404 (DOING BUSINESS WITH UNLICENSED PERSONS), §
9 27–405 (REPRESENTATIONS TO PUBLIC BY UNLICENSED PERSONS), § 27–406 (FALSE
10 APPLICATIONS AND STATEMENTS; UNREGULATED INSURERS), § 27–406.1
11 (FRAUDULENT INSURANCE ACTS OF INDIVIDUAL SURETIES), § 27–407
12 (SOLICITATION), § 27–407.1 (INTENTIONAL MOTOR VEHICLE ACCIDENT), or §
13 27–407.2 (COMPENSATION FOR DEDUCTIBLE) of the Insurance Article;

14 (xxi) [§ 5–307,] § 5–308 (POSSESSION OF HANDGUN PERMIT
15 REQUIRED), § 6–602 (INTERFERENCE WITH, OBSTRUCTION OF, FALSE
16 REPRESENTATION TO, OR IMPERSONATING STATE FIRE MARSHAL), § 7–402
17 (INTERFERENCE WITH, OBSTRUCTION OF, FALSE REPRESENTATION TO, OR
18 IMPERSONATING FIREFIGHTER, RESCUE SQUAD MEMBER, OR EMERGENCY
19 SERVICES PERSONNEL), or § 14–114 (VIOLATION OF ORDER, RULE, OR REGULATION
20 ISSUED UNDER THE MARYLAND EMERGENCY MANAGEMENT ACT) of the Public
21 Safety Article;

22 (xxii) § 7–318.1 (VIOLATIONS BY FORECLOSURE CONSULTANT), [§
23 7–509] TITLE 7, SUBTITLE 5 (MARYLAND MORTGAGE ASSISTANCE RELIEF
24 SERVICES ACT), or § [10–507] 10–507(B)(3) (CUSTOM HOME PROTECTION ACT) of
25 the Real Property Article;

26 (xxiii) § 9–124 (LOTTERY VIOLATIONS) of the State Government
27 Article; OR

28 (xxiv) § 13–1001 (WILLFUL FAILURE TO FILE TAX RETURN), §
29 13–1004 (FALSE RETURN OR FALSE CLAIM FOR REFUND BY INCOME TAX RETURN
30 PREPARER), § 13–1007 (VIOLATIONS OF INCOME TAX WITHHOLDING
31 REQUIREMENTS), or § 13–1024 (WILLFUL FAILURE TO PROVIDE INFORMATION WITH
32 INTENT TO EVADE PAYMENT OF TAX) of the Tax – General Article;

33 [(xxv)] (2) the common law [offenses] OFFENSE of affray, rioting,
34 criminal contempt, battery, or hindering; [or]

35 [(2)] (3) a felony that is a violation of:

1 (i) **§ 10-402 OF THE COURTS ARTICLE (WIRETAP ACT –**
2 **DIVULGING CONTENTS OF COMMUNICATIONS);**

3 **(II) § 7-104 (THEFT)** of the Criminal Law Article;

4 **[(ii)] (III)** the prohibition against possession with intent to
5 distribute a controlled dangerous substance under § 5-602(2) of the Criminal Law Article;
6 **[or]**

7 **[(iii)] (IV) § 6-202(a) (FIRST-DEGREE BURGLARY), § 6-203**
8 **(SECOND-DEGREE BURGLARY), or § 6-204 (THIRD-DEGREE BURGLARY)** of the
9 Criminal Law Article; or

10 **(V) § 10-502 (BIGAMY) OF THE CRIMINAL LAW ARTICLE; OR**

11 **[(3)] (4)** an attempt, a conspiracy, or a solicitation of any offense listed in
12 **[item (1) or (2)] ITEMS (1) THROUGH (3)** of this subsection.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2019.