

SENATE BILL 833

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9lr2166
CF 9lr1788

By: **Senators Carter, Benson, Hayes, Nathan–Pulliam, and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Expansion**

3 FOR the purpose of repealing a certain provision of law that authorizes the expungement
4 of certain convictions; authorizing a person who is the subject of a certain warrant
5 to file a certain petition for expungement; authorizing a person who was found guilty
6 of a certain civil offense or infraction to file a certain petition for expungement;
7 authorizing a person who was convicted of a misdemeanor or a certain felony to file
8 a certain petition for expungement; correcting an erroneous reference; repealing a
9 certain waiting period or waiver and release filing requirement for the filing of a
10 certain petition for expungement based on an acquittal, a nolle prosequi, or a
11 dismissal; authorizing the immediate filing of a certain petition for expungement
12 based on an acquittal, a nolle prosequi, or a dismissal; establishing certain waiting
13 periods for the filing of certain petitions for expungement; requiring a court to send
14 certain notice of a certain expungement request to certain victims; requiring the
15 court to pass an order requiring the expungement of certain records under certain
16 circumstances; requiring the court to hold a hearing if a certain victim files a certain
17 objection to a certain petition; requiring the court to order the expungement of
18 certain records after a hearing if the court makes certain findings; repealing a certain
19 bar to expungement that applies when a petition for expungement is based on the
20 entry of a certain probation before judgment and the person has been convicted of a
21 certain crime at a certain time, or the person is a defendant in a certain proceeding;
22 providing that a person who, on or after a certain date, has been charged with the
23 commission of a certain crime, has been charged with a certain civil offense or
24 infraction, or is the subject of a certain warrant, is entitled to automatic
25 expungement of certain records under certain circumstances; specifying that certain
26 dispositions are eligible for automatic expungement at certain times; requiring a
27 certain court to search diligently for and expunge certain court records and send a
28 certain notice to certain parties within a certain time period; requiring the Criminal
29 Justice Information System Central Repository, a booking facility, and a certain law
30 enforcement unit to search diligently for and expunge certain police and court
31 records and send a certain advisement to a certain person within a certain time

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 period; prohibiting a certain police or court record from being expunged by
 2 obliteration until a certain amount of time after a certain disposition; requiring that,
 3 during a certain time period, certain records be removed to a certain area; providing
 4 that a legitimate reason for accessing certain records includes using the records for
 5 certain purposes; authorizing a certain person to seek a certain redress and recover
 6 court costs under certain circumstances; prohibiting a certain person from being
 7 required to pay any fees or costs in connection with a certain expungement; requiring
 8 a certain judge to inform a certain defendant at a certain time that certain records
 9 will be automatically expunged under certain circumstances; authorizing a certain
 10 person to opt out of a certain automatic expungement in a certain manner; providing
 11 that opting out of a certain expungement does not bar expungement of certain
 12 charges; altering a certain definition; and generally relating to expungement.

13 BY repealing

14 Article – Criminal Procedure
 15 Section 10–110
 16 Annotated Code of Maryland
 17 (2018 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Procedure
 20 Section 10–101(a)
 21 Annotated Code of Maryland
 22 (2018 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article – Criminal Procedure
 25 Section 10–101(h) and 10–105
 26 Annotated Code of Maryland
 27 (2018 Replacement Volume)

28 BY adding to

29 Article – Criminal Procedure
 30 Section 10–105.1
 31 Annotated Code of Maryland
 32 (2018 Replacement Volume)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 34 That Section(s) 10–110 of Article – Criminal Procedure of the Annotated Code of Maryland
 35 be repealed.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 37 as follows:

38 **Article – Criminal Procedure**

39 10–101.

1 (a) In this subtitle the following words have the meanings indicated.

2 (h) **(1)** “Police record” means an official record that a law enforcement unit,
3 booking facility, or the Central Repository maintains about the arrest and detention of, or
4 further proceeding against, a person for:

5 [(1)] **(I)** a criminal charge;

6 [(2)] **(II)** a suspected violation of a criminal law;

7 [(3)] **(III)** a violation of the Transportation Article for which a term of
8 imprisonment may be imposed; or

9 [(4)] **(IV)** a civil offense or infraction, except a juvenile offense, enacted
10 under State or local law [as a substitute for a criminal charge].

11 **(2) “POLICE RECORD” INCLUDES AN ARREST WARRANT, AN**
12 **INVALIDATED WARRANT, AND A FUGITIVE WARRANT.**

13 10–105.

14 (a) A person who has been charged with the commission of a crime, including a
15 violation of the Transportation Article for which a term of imprisonment may be imposed,
16 [or] who has been charged with a civil offense or infraction, except a juvenile offense, **OR**
17 **WHO IS THE SUBJECT OF AN INVALIDATED WARRANT OR A FUGITIVE WARRANT** may
18 file a petition listing relevant facts for expungement of a police record, court record, or other
19 record maintained by the State or a political subdivision of the State if:

20 (1) the person is acquitted;

21 (2) the charge **OR WARRANT** is otherwise dismissed **OR INVALIDATED**;

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

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

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

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

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

3 (8) the person:

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

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

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

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

10 (ii) panhandling or soliciting money;

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

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

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

15 (vi) loitering;

16 (vii) vagrancy;

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

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

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

24 (i) trespass;

25 (ii) disturbing the peace; or

26 (iii) telephone misuse;

27 (11) the person was convicted of a crime and the act on which the conviction
28 was based is no longer a crime; [or]

1 (12) the person was convicted of possession of marijuana under § 5–601 of
2 the Criminal Law Article;

3 (13) THE PERSON WAS FOUND GUILTY OF A CIVIL OFFENSE OR
4 INFRACTION;

5 (14) THE PERSON WAS CONVICTED OF A MISDEMEANOR; OR

6 (15) THE PERSON WAS CONVICTED OF A FELONY, EXCEPT:

7 (I) A CRIME OF VIOLENCE UNDER § 14–101 OF THE CRIMINAL
8 LAW ARTICLE;

9 (II) A CRIME REQUIRING THE PERSON TO REGISTER ON THE SEX
10 OFFENDER REGISTRY UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE;

11 (III) A HATE CRIME UNDER TITLE 10, SUBTITLE 3 OF THE
12 CRIMINAL LAW ARTICLE; OR

13 (IV) A CRIME OF ANIMAL CRUELTY UNDER TITLE 10, SUBTITLE
14 6 OF THE CRIMINAL LAW ARTICLE.

15 (a–1) A person’s attorney or personal representative may file a petition, on behalf of
16 the person, for expungement under this section if the person died before disposition of the
17 charge by nolle prosequi or dismissal.

18 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person
19 shall file a petition in the court in which the proceeding began.

20 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if the
21 proceeding began in one court and was transferred to another court, the person shall file
22 the petition in the court to which the proceeding was transferred.

23 (ii) If the proceeding began in one court and was transferred to the
24 juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in
25 the court of original jurisdiction from which the order of transfer was entered.

26 (3) (i) If the proceeding in a court of original jurisdiction was appealed
27 to a court exercising appellate jurisdiction, the person shall file the petition in the appellate
28 court.

29 (ii) The appellate court may remand the matter to the court of
30 original jurisdiction.

31 (c) (1) Except as provided in paragraph [(2)] (3) of this subsection, a petition

1 for expungement based on an acquittal, a nolle prosequi, or a dismissal may [not be filed
2 within 3 years after the disposition, unless the petitioner files with the petition a written
3 general waiver and release of all the petitioner's tort claims arising from the charge] **BE**
4 **FILED IMMEDIATELY.**

5 (2) A petition for expungement based on a probation before judgment or a
6 stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than
7 the later of:

8 (i) the date the petitioner was discharged from probation or the
9 requirements of obtaining drug or alcohol abuse treatment were completed; or

10 (ii) 3 years after the probation was granted or stet with the
11 requirement of drug or alcohol abuse treatment was entered on the docket.

12 (3) A petition for expungement based on a nolle prosequi with the
13 requirement of drug or alcohol treatment may not be filed until the completion of the
14 required treatment.

15 (4) A petition for expungement based on a full and unconditional pardon
16 by the Governor may not be filed later than 10 years after the pardon was signed by the
17 Governor.

18 (5) Except as provided in paragraph (2) of this subsection, a petition for
19 expungement based on a stet or a compromise under § 3-207 of the Criminal Law Article
20 may not be filed within 3 years after the stet or compromise.

21 (6) A petition for expungement based on the conviction of a crime under
22 subsection (a)(9) of this section may not be filed within 3 years after the conviction or
23 satisfactory completion of the sentence, including probation, that was imposed for the
24 conviction, whichever is later.

25 (7) A petition for expungement based on a finding of not criminally
26 responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years
27 after the finding of not criminally responsible was made by the court.

28 (8) A petition for expungement based on the conviction of a crime under
29 subsection (a)(12) of this section may not be filed within 4 years after the conviction or
30 satisfactory completion of the sentence, including probation, that was imposed for the
31 conviction, whichever is later.

32 (9) A court may grant a petition for expungement at any time on a showing
33 of good cause.

34 **(10) A PETITION FOR EXPUNGEMENT BASED ON A FINDING OF GUILT**
35 **OF A CIVIL OFFENSE OR INFRACTION UNDER SUBSECTION (A)(13) OF THIS SECTION**

1 MAY NOT BE FILED WITHIN 3 YEARS AFTER THE FINDING OF GUILT.

2 (11) EXCEPT AS PROVIDED IN PARAGRAPH (12) OF THIS SUBSECTION,
3 A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION OF A MISDEMEANOR
4 UNDER SUBSECTION (A)(14) OF THIS SECTION MAY NOT BE FILED WITHIN 5 YEARS
5 AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE SENTENCE,
6 INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION, WHICHEVER IS
7 LATER.

8 (12) A PETITION FOR EXPUNGEMENT UNDER SUBSECTION (A)(14) OF
9 THIS SECTION BASED ON A CONVICTION OF SECOND-DEGREE ASSAULT UNDER §
10 3-203 OF THE CRIMINAL LAW ARTICLE, COMMON LAW BATTERY, OR A CRIME
11 CLASSIFIED AS A DOMESTICALLY RELATED CRIME UNDER § 6-233 OF THIS ARTICLE
12 MAY NOT BE FILED WITHIN 10 YEARS AFTER THE CONVICTION OR SATISFACTORY
13 COMPLETION OF THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR
14 THE CONVICTION, WHICHEVER IS LATER.

15 (13) A PETITION FOR EXPUNGEMENT BASED ON THE CONVICTION OF A
16 FELONY UNDER SUBSECTION (A)(15) OF THIS SECTION MAY NOT BE FILED WITHIN
17 10 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE
18 SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION,
19 WHICHEVER IS LATER.

20 (d) (1) The court shall have a copy of a petition for expungement served on the
21 State's Attorney.

22 (2) FOR PETITIONS FILED UNDER SUBSECTION (A)(14) AND (15) OF
23 THIS SECTION, THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT
24 REQUEST TO EACH LISTED VICTIM IN THE CASE IN WHICH THE PETITIONER IS
25 SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING
26 THE VICTIM OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE
27 EXPUNGEMENT PETITION TO THE COURT.

28 (3) [Unless] FOR PETITIONS FILED UNDER SUBSECTION (A)(1)
29 THROUGH (13) OF THIS SECTION, UNLESS the State's Attorney files an objection to the
30 petition for expungement within 30 days after the petition is served, the court shall pass
31 an order requiring the expungement of all police records and court records about the charge.

32 (4) FOR PETITIONS FILED UNDER SUBSECTION (A)(14) AND (15) OF
33 THIS SECTION, UNLESS THE STATE'S ATTORNEY OR A LISTED VICTIM FILES AN
34 OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE
35 PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE
36 EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE
37 CHARGE.

1 (e) (1) If the State's Attorney files a timely objection to the petition, the court
2 shall hold a hearing.

3 (2) **IF A LISTED VICTIM FILES A TIMELY OBJECTION TO A PETITION**
4 **FILED UNDER SUBSECTION (A)(14) OR (15) OF THIS SECTION, THE COURT SHALL**
5 **HOLD A HEARING.**

6 (3) **[If] FOR PETITIONS FILED UNDER SUBSECTION (A)(1) THROUGH**
7 **(13) OF THIS SECTION, IF** the court at the hearing finds that the person is entitled to
8 expungement, the court shall order the expungement of all police records and court records
9 about the charge.

10 (4) **FOR PETITIONS FILED UNDER SUBSECTION (A)(14) AND (15) OF**
11 **THIS SECTION, THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE**
12 **RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE**
13 **COURT FINDS AND STATES ON THE RECORD THAT:**

14 (I) **THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT UNDER**
15 **SUBSECTION (A) OF THIS SECTION;**

16 (II) **GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE**
17 **HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT**
18 **REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND**

19 (III) **EXPUNGEMENT IS IN THE INTEREST OF JUSTICE.**

20 **[(3)] (5)** If the court finds that the person is not entitled to expungement,
21 the court shall deny the petition.

22 **[(4)** The person is not entitled to expungement if:

23 (i) the petition is based on the entry of probation before judgment,
24 except a probation before judgment for a crime where the act on which the conviction is
25 based is no longer a crime, and the person within 3 years of the entry of the probation before
26 judgment has been convicted of a crime other than a minor traffic violation or a crime where
27 the act on which the conviction is based is no longer a crime; or

28 (ii) the person is a defendant in a pending criminal proceeding.]

29 (f) Unless an order is stayed pending an appeal, within 60 days after entry of the
30 order, every custodian of the police records and court records that are subject to the order
31 of expungement shall advise in writing the court and the person who is seeking
32 expungement of compliance with the order.

1 (g) (1) The State's Attorney is a party to the proceeding.

2 (2) A party aggrieved by the decision of the court is entitled to appellate
3 review as provided in the Courts Article.

4 **10-105.1.**

5 (A) SUBJECT TO SUBSECTION (I) OF THIS SECTION, A PERSON WHO, ON OR
6 AFTER OCTOBER 1, 2019, HAS BEEN CHARGED WITH THE COMMISSION OF A CRIME,
7 INCLUDING A VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH A TERM
8 OF IMPRISONMENT MAY BE IMPOSED, WHO HAS BEEN CHARGED WITH A CIVIL
9 OFFENSE OR INFRACTION, EXCEPT A JUVENILE OFFENSE, OR WHO IS THE SUBJECT
10 OF AN INVALIDATED WARRANT OR A FUGITIVE WARRANT IS ENTITLED TO
11 AUTOMATIC EXPUNGEMENT OF ALL POLICE RECORDS, COURT RECORDS, AND
12 OTHER RECORDS MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE
13 STATE RELATING TO THE MATTER IF:

14 (1) THE PERSON IS ACQUITTED;

15 (2) THE CHARGE OR WARRANT IS DISMISSED OR INVALIDATED;

16 (3) A PROBATION BEFORE JUDGMENT IS ENTERED, UNLESS THE
17 PERSON IS CHARGED WITH A VIOLATION OF § 21-902 OF THE TRANSPORTATION
18 ARTICLE OR TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE;

19 (4) A NOLLE PROSEQUI OTHER THAN A NOLLE PROSEQUI WITH THE
20 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT IS ENTERED; OR

21 (5) THE COURT INDEFINITELY POSTPONES TRIAL OF THE CHARGE BY
22 MARKING THE CHARGE "STET" ON THE DOCKET, WITHOUT A REQUIREMENT OF
23 DRUG OR ALCOHOL TREATMENT.

24 (B) (1) AN ACQUITTAL, A DISMISSAL, OR A NOLLE PROSEQUI OTHER THAN
25 A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT IS
26 ELIGIBLE FOR AUTOMATIC EXPUNGEMENT IMMEDIATELY ON DISPOSITION.

27 (2) A PROBATION BEFORE JUDGMENT IS ELIGIBLE FOR AUTOMATIC
28 EXPUNGEMENT AFTER SATISFACTORY COMPLETION OF ANY SENTENCE AND
29 PROBATIONARY CONDITIONS IMPOSED IN CONNECTION WITH THE PROBATION
30 BEFORE JUDGMENT DISPOSITION.

31 (3) A STET OTHER THAN A STET WITH THE REQUIREMENT OF DRUG
32 OR ALCOHOL TREATMENT IS ELIGIBLE FOR AUTOMATIC EXPUNGEMENT 3 YEARS
33 AFTER THE ENTRY OF THE STET.

1 **(C) WITHIN 60 DAYS AFTER THE ELIGIBILITY DATE SET FORTH IN**
2 **SUBSECTION (B) OF THIS SECTION, THE COURT WITH JURISDICTION OVER THE**
3 **MATTER SHALL:**

4 **(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH COURT RECORD**
5 **ABOUT THE CHARGE; AND**

6 **(2) SEND A NOTICE OF EXPUNGEMENT CONTAINING ALL RELEVANT**
7 **FACTS ABOUT THE EXPUNGEMENT AND UNDERLYING CHARGE TO:**

8 **(I) THE CENTRAL REPOSITORY;**

9 **(II) EACH BOOKING FACILITY OR LAW ENFORCEMENT UNIT**
10 **THAT THE COURT BELIEVES MAY HAVE A POLICE RECORD ABOUT THE ARREST,**
11 **CONFINEMENT, OR CHARGE; AND**

12 **(III) THE PERSON ENTITLED TO EXPUNGEMENT.**

13 **(D) WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL**
14 **REPOSITORY, A BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT**
15 **SHALL:**

16 **(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE AND**
17 **COURT RECORD ABOUT THE ARREST, CONFINEMENT, OR CHARGING OF THE**
18 **PERSON; AND**

19 **(2) ADVISE IN WRITING THE PERSON ENTITLED TO EXPUNGEMENT OF**
20 **COMPLIANCE WITH THE ORDER.**

21 **(E) (1) A POLICE OR COURT RECORD EXPUNGED UNDER THIS SECTION**
22 **MAY NOT BE EXPUNGED BY OBLITERATION UNTIL 3 YEARS AFTER THE DISPOSITION**
23 **OF THE CHARGE.**

24 **(2) DURING THE 3-YEAR PERIOD DESCRIBED IN PARAGRAPH (1) OF**
25 **THIS SUBSECTION, THE RECORDS SHALL BE REMOVED TO A SEPARATE SECURE AREA**
26 **TO WHICH PERSONS WHO DO NOT HAVE LEGITIMATE REASON FOR ACCESS ARE**
27 **DENIED ACCESS.**

28 **(3) FOR PURPOSES OF THIS SUBSECTION, A LEGITIMATE REASON FOR**
29 **ACCESSING THE RECORDS INCLUDES USING THE RECORDS FOR PURPOSES OF**
30 **PROCEEDINGS RELATING TO THE ARREST OR CHARGE.**

1 **(F) IF A COURT, A LAW ENFORCEMENT UNIT, A BOOKING FACILITY, OR THE**
2 **CENTRAL REPOSITORY FAILS TO EXPUNGE A POLICE OR COURT RECORD AS**
3 **REQUIRED UNDER SUBSECTION (C) OR (D) OF THIS SECTION, THE PERSON ENTITLED**
4 **TO EXPUNGEMENT MAY:**

5 **(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY;**
6 **AND**

7 **(2) RECOVER COURT COSTS.**

8 **(G) A PERSON WHO IS ENTITLED TO AUTOMATIC EXPUNGEMENT UNDER**
9 **THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEE OR COSTS IN CONNECTION**
10 **WITH THE EXPUNGEMENT.**

11 **(H) AT THE TIME OF MAKING A DISPOSITION DESCRIBED IN SUBSECTION (A)**
12 **OF THIS SECTION, THE COURT SHALL INFORM THE DEFENDANT THAT ALL POLICE**
13 **RECORDS, COURT RECORDS, AND OTHER RECORDS RELATING TO THE MATTER WILL**
14 **BE AUTOMATICALLY EXPUNGED UNLESS THE DEFENDANT OPTS OUT OF THE**
15 **EXPUNGEMENT.**

16 **(I) (1) A PERSON WHO IS ENTITLED TO AUTOMATIC EXPUNGEMENT**
17 **UNDER THIS SECTION MAY OPT OUT OF THE AUTOMATIC EXPUNGEMENT BY SO**
18 **NOTIFYING THE COURT AT THE TIME OF DISPOSITION.**

19 **(2) OPTING OUT OF EXPUNGEMENT OF A PARTICULAR CHARGE DOES**
20 **NOT BAR EXPUNGEMENT OF OTHER ELIGIBLE CHARGES.**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2019.