

SENATE BILL 963

E2

1lr3081

By: **Senator Klausmeier**

Introduced and read first time: February 21, 2021

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Closed Against Entry**

3 FOR the purpose of authorizing a person to file a petition for expungement of certain
4 records based on a conviction of a certain closed against entry offense; and generally
5 relating to expungement.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 10–110(a)
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2020 Supplement)
11 (As enacted by Chapter 31 of the Acts of the General Assembly of 2021)

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

14 **Article – Criminal Procedure**

15 10–110.

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

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

20 (i) § 6–320 of the Alcoholic Beverages Article;

21 (ii) an offense listed in § 17–613(a) 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) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
2 the Business Regulation Article;
- 3 (iv) § 3–1508 or § 10–402 of the Courts Article;
- 4 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
5 Article;
- 6 (vi) § 5–211 of this article;
- 7 (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 8 (viii) § 5–601 not involving the use or possession of marijuana, §
9 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;
- 10 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
11 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 12 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
13 Criminal Law Article;
- 14 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
15 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 16 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 17 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
18 Criminal Law Article;
- 19 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 20 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
21 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 22 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 23 (xvii) § 4–509 of the Family Law Article;
- 24 (xviii) § 18–215 of the Health – General Article;
- 25 (xix) § 4–411 or § 4–2005 of the Housing and Community Development
26 Article;
- 27 (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, §
28 27–407.1, or § 27–407.2 of the Insurance Article;
- 29 (xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, §

1 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed
2 limits for personal watercraft;

3 **(XXII) A CLOSED AGAINST ENTRY OFFENSE UNDER THE**
4 **NATURAL RESOURCES ARTICLE OR REGULATIONS ADOPTED BY THE DEPARTMENT**
5 **OF NATURAL RESOURCES;**

6 **[(xxii)] (XXIII)** § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of
7 the Public Safety Article;

8 **[(xxiii)] (XXIV)** § 7–318.1, § 7–509, or § 10–507 of the Real Property
9 Article;

10 **[(xxiv)] (XXV)** § 9–124 of the State Government Article;

11 **[(xxv)] (XXVI)** § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of
12 the Tax – General Article; or

13 **[(xxvi)] (XXVII)** the common law offenses of affray, rioting, criminal
14 contempt, battery, or hindering;

15 (2) a felony that is a violation of:

16 (i) § 7–104 of the Criminal Law Article;

17 (ii) the prohibition against possession with intent to distribute a
18 controlled dangerous substance under § 5–602(2) of the Criminal Law Article; or

19 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

20 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item
21 (1) or (2) of this subsection.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2021.