

Article - Criminal Procedure

§10–101. IN EFFECT

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

(b) “Central Repository” means the Criminal Justice Information System Central Repository in the Department.

(c) (1) “Court record” means an official record of a court that the clerk of a court or other court personnel keeps about:

(i) a criminal proceeding; or

(ii) any other proceeding, except a juvenile proceeding, concerning a civil offense or infraction enacted under State or local law as a substitute for a criminal charge.

(2) “Court record” includes:

(i) a record of a violation of the Transportation Article for which a term of imprisonment may be imposed; and

(ii) an index, docket entry, charging document, pleading, memorandum, transcription of proceedings, electronic recording, order, and judgment.

(d) “Expunge” means to remove information from public inspection in accordance with this subtitle.

(e) “Expungement” with respect to a court record or a police record means removal from public inspection:

(1) by obliteration;

(2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or

(3) if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.

(f) “Law enforcement unit” means a State, county, or municipal police department or unit, the office of a sheriff, the office of a State’s Attorney, the Office of the State Prosecutor, or the Office of the Attorney General of the State.

(g) “Minor traffic violation” means a nonincarcerable violation of the Maryland Vehicle Law or any other traffic law, ordinance, or regulation.

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

(1) a criminal charge;

(2) a suspected violation of a criminal law;

(3) a violation of the Transportation Article for which a term of imprisonment may be imposed; or

(4) a civil offense or infraction, except a juvenile offense, enacted under State or local law as a substitute for a criminal charge.

§10–101. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 26 OF 2022 **

** TAKES EFFECT JANUARY 1, 2023 PER CHAPTER 26 OF 2022 **

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(b) “Central Repository” means the Criminal Justice Information System Central Repository in the Department.

(c) (1) “Court record” means an official record of a court that the clerk of a court or other court personnel keeps about:

(i) a criminal proceeding; or

(ii) any other proceeding, except a juvenile proceeding, concerning a civil offense or infraction enacted under State or local law as a substitute for a criminal charge.

(2) “Court record” includes:

(i) a record of a violation of the Transportation Article for which a term of imprisonment may be imposed; and

(ii) an index, docket entry, charging document, pleading, memorandum, transcription of proceedings, electronic recording, order, and judgment.

(d) “Expunge” means to remove information from public inspection in accordance with this subtitle.

(e) Except as otherwise provided in this subtitle, “expungement” with respect to a court record or a police record means removal from public inspection:

(1) by obliteration;

(2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or

(3) if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.

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(1) a criminal charge;

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(4) a civil offense or infraction, except a juvenile offense, enacted under State or local law as a substitute for a criminal charge.