

HOUSE BILL 97

E2

(PRE-FILED)

3lr1061
CF SB 37

By: ~~Delegate Bartlett~~ **Delegates Bartlett, Cardin, Conaway, Crutchfield, Embry,
Kaufman, Moon, Pasteur, Phillips, Simmons, Taylor, Williams, and Young**

Requested: November 17, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – ~~Waiting Periods~~**
3 **(REDEEM Act of 2023)**

4 FOR the purpose of providing that any unpaid court fees or costs are not a bar to a certain
5 expungement; requiring a court to waive certain court fees and costs when ordering
6 or effecting a certain expungement; adding malicious destruction of property to the
7 list of misdemeanor convictions that may be expunged; altering the waiting periods
8 applicable to the filing of petitions for expungement of convictions of certain crimes;
9 and generally relating to expungement of records.

10 ~~BY repealing and reenacting, without amendments,~~
11 ~~Article – Criminal Procedure~~
12 ~~Section 10–110(a)~~
13 ~~Annotated Code of Maryland~~
14 ~~(2018 Replacement Volume and 2022 Supplement)~~

15 BY adding to
16 Article – Criminal Procedure
17 Section 10–105.4
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Procedure
2 Section ~~10–110(e)~~ 10–110(a) and (c)
3 Annotated Code of Maryland
4 (2018 Replacement Volume and 2022 Supplement)

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

7 **Article – Criminal Procedure**

8 **10–105.4.**

9 **(A) ANY UNPAID COURT FEES OR COSTS ARE NOT A BAR TO EXPUNGEMENT**
10 **UNDER THIS SUBTITLE.**

11 **(B) WHEN ORDERING OR EFFECTING AN EXPUNGEMENT UNDER THIS**
12 **SUBTITLE, THE COURT SHALL WAIVE ANY COURT FEES AND COSTS ASSOCIATED**
13 **WITH THE CHARGE BEING EXPUNGED.**

14 10–110.

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

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

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

20 (ii) an offense listed in § 17–613(a) of the Business Occupations and
21 Professions Article;

22 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
23 the Business Regulation Article;

24 (iv) § 3–1508 or § 10–402 of the Courts Article;

25 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
26 Article;

27 (vi) § 5–211 of this article;

28 (vii) § 3–203 or § 3–808 of the Criminal Law Article;

- 1 (viii) § 5-601 not involving the use or possession of cannabis, §
2 5-602(b)(1), § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902 of the Criminal Law
3 Article;
- 4 (ix) § 6-105, § 6-108, § 6-205 (fourth degree burglary), § 6-206, §
5 **6-301**, § 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;
- 6 (x) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the
7 Criminal Law Article;
- 8 (xi) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §
9 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;
- 10 (xii) § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;
- 11 (xiii) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the
12 Criminal Law Article;
- 13 (xiv) § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;
- 14 (xv) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §
15 12-204, § 12-205, or § 12-302 of the Criminal Law Article;
- 16 (xvi) § 13-401, § 13-602, or § 16-201 of the Election Law Article;
- 17 (xvii) § 4-509 of the Family Law Article;
- 18 (xviii) § 18-215 of the Health – General Article;
- 19 (xix) § 4-411 or § 4-2005 of the Housing and Community Development
20 Article;
- 21 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
22 27-407.1, or § 27-407.2 of the Insurance Article;
- 23 (xxi) § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, §
24 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed
25 limits for personal watercraft;
- 26 (xxii) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
27 Safety Article;
- 28 (xxiii) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;
- 29 (xxiv) § 9-124 of the State Government Article;

1 (xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax –
2 General Article;

3 (xxvi) § 16–303 of the Transportation Article; or

4 (xxvii) the common law offenses of affray, rioting, criminal contempt,
5 battery, or hindering;

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

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

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

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

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

13 (c) (1) Except as **OTHERWISE** provided in [paragraphs (2), (3), and (4) of] this
14 subsection, a petition for expungement under this section may not be filed earlier than [10]
15 ~~3~~ **5** years after the person satisfies the sentence or sentences imposed for all convictions for
16 which expungement is requested, including parole, probation, or mandatory supervision.

17 (2) A petition for expungement for a violation of § 3–203 of the Criminal
18 Law Article[, OR common law battery[, or for an offense classified as a domestically related
19 crime under § 6–233 of this article] may not be filed earlier than [15] ~~5~~ **7** years after the
20 person satisfies the sentence or sentences imposed for all convictions for which
21 expungement is requested, including parole, probation, or mandatory supervision.

22 **(3) A PETITION FOR EXPUNGEMENT FOR AN OFFENSE CLASSIFIED AS**
23 **A DOMESTICALLY RELATED CRIME UNDER § 6–233 OF THIS ARTICLE MAY NOT BE**
24 **FILED EARLIER THAN 15 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR**
25 **SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS**
26 **REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.**

27 ~~[(3)]~~ **(4)** Except as provided in ~~paragraph~~ **PARAGRAPHS [(4)] (5) AND**
28 **(6)** of this subsection, a petition for expungement of a felony may not be filed earlier than
29 **[15] ~~5~~ 7** years after the person satisfies the sentence or sentences imposed for all
30 convictions for which expungement is requested, including parole, probation, or mandatory
31 supervision.

32 **[(4)] (5)** A petition for expungement of a conviction of possession with
33 intent to distribute cannabis under § 5–602 of the Criminal Law Article may not be filed
34 earlier than 3 years after the person satisfies the sentence or sentences imposed for all

1 convictions for which expungement is requested, including parole, probation, or mandatory
2 supervision.

3 **(6) A PETITION FOR EXPUNGEMENT OF A CONVICTION FOR §**
4 **6-202(A), § 6-203, OR A FELONY THAT IS A VIOLATION OF § 7-104 OF THE CRIMINAL**
5 **LAW ARTICLE MAY NOT BE FILED EARLIER THAN 10 YEARS AFTER THE PERSON**
6 **SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR**
7 **WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR**
8 **MANDATORY SUPERVISION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.