

HOUSE BILL 97

E2

(PRE-FILED)

3lr1061
CF SB 37

By: **Delegate Bartlett**

Requested: November 17, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – Waiting Periods**

3 FOR the purpose of altering the waiting periods applicable to the filing of petitions for
4 expungement of convictions of certain crimes; and generally relating to expungement
5 of records.

6 BY repealing and reenacting, without amendments,

7 Article – Criminal Procedure

8 Section 10–110(a)

9 Annotated Code of Maryland

10 (2018 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Procedure

13 Section 10–110(c)

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Criminal Procedure**

19 10–110.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) § 6–320 of the Alcoholic Beverages Article;
- 2 (ii) an offense listed in § 17–613(a) of the Business Occupations and
3 Professions Article;
- 4 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
5 the Business Regulation Article;
- 6 (iv) § 3–1508 or § 10–402 of the Courts Article;
- 7 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
8 Article;
- 9 (vi) § 5–211 of this article;
- 10 (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 11 (viii) § 5–601 not involving the use or possession of cannabis, §
12 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law
13 Article;
- 14 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
15 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 16 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
17 Criminal Law Article;
- 18 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
19 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 20 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 21 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
22 Criminal Law Article;
- 23 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 24 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
25 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 26 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 27 (xvii) § 4–509 of the Family Law Article;
- 28 (xviii) § 18–215 of the Health – General Article;

1 (xix) § 4-411 or § 4-2005 of the Housing and Community Development
2 Article;

3 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
4 27-407.1, or § 27-407.2 of the Insurance Article;

5 (xxi) § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, §
6 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed
7 limits for personal watercraft;

8 (xxii) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
9 Safety Article;

10 (xxiii) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

11 (xxiv) § 9-124 of the State Government Article;

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

14 (xxvi) § 16-303 of the Transportation Article; or

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

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

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

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

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

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

24 (c) (1) Except as **OTHERWISE** provided in [paragraphs (2), (3), and (4) of] this
25 subsection, a petition for expungement under this section may not be filed earlier than [10]
26 **3** years after the person satisfies the sentence or sentences imposed for all convictions for
27 which expungement is requested, including parole, probation, or mandatory supervision.

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

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

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

10 **[(4)] (5)** A petition for expungement of a conviction of possession with
11 intent to distribute cannabis under § 5-602 of the Criminal Law Article may not be filed
12 earlier than 3 years after the person satisfies the sentence or sentences imposed for all
13 convictions for which expungement is requested, including parole, probation, or mandatory
14 supervision.

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