

HOUSE BILL 189

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3lr1409
CF SB 173

By: ~~Delegate Moon~~ Delegates Moon, Conaway, Kaufman, Simpson, Taylor, and Young

Introduced and read first time: January 19, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Automatic Expungement – Clarification**

3 FOR the purpose of clarifying the language of ~~a provision~~ provisions of law requiring the
4 expungement of certain records maintained by the State or a political subdivision of
5 the State relating to the charging of certain offenses under certain circumstances
6 and notification of a certain right to expungement; and generally relating to
7 expungement.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 10–105.1 and 10–105.2
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2022 Supplement)

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

15 **Article – Criminal Procedure**

16 10–105.1.

17 (a) Beginning October 1, 2021, any police record, court record, or other record
18 maintained by the State or a political subdivision of the State relating to the charging of a
19 ~~[crime or a]~~ civil offense under § 5–601(c)(2)(ii) of the Criminal Law Article[, including a

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 must-appear violation of the Transportation Article,] **OR A CRIME OTHER THAN A**
 2 **VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH THE DEFENDANT IS NOT**
 3 **REQUIRED TO APPEAR** shall be expunged 3 years after a disposition of the charge if no
 4 charge in the case resulted in a disposition other than:

5 (1) acquittal;

6 (2) dismissal;

7 (3) not guilty; or

8 (4) nolle prosequi, except nolle prosequi with a requirement of drug or
 9 alcohol treatment.

10 (b) For a case described in subsection (a) of this section, the court shall send notice
 11 of the disposition of each charge in the case and the date on which expungement is required
 12 to:

13 (1) the Central Repository;

14 (2) each booking facility, law enforcement unit, and other unit of the State
 15 and political subdivision of the State that the court believes may have a record subject to
 16 expungement under this section; and

17 (3) the person entitled to expungement.

18 10-105.2.

19 (a) Subject to subsection (b) of this section, after disposition of all charges in a
 20 case involving a [criminal offense or a] civil offense under § 5-601(c)(2)(ii) of the Criminal
 21 Law Article[, including a must-appear violation of the Transportation Article,] **OR A**
 22 **CRIME OTHER THAN A VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH**
 23 **THE DEFENDANT IS NOT REQUIRED TO APPEAR,** the court shall notify the defendant of
 24 the defendant's right to expungement under § 10-105 of this subtitle if no charge in the
 25 case resulted in a disposition other than:

26 (1) acquittal;

27 (2) dismissal;

28 (3) not guilty; or

29 (4) nolle prosequi, except nolle prosequi with a requirement of drug or
 30 alcohol treatment.

1 (b) (1) If the defendant is not present in court for the disposition, the court
2 shall notify the defendant by mail.

3 (2) The notice provided under this section shall include a written form for
4 general waiver and release of all tort claims relating to the charge or charges eligible for
5 expungement under § 10–105 of this subtitle.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.