

HOUSE BILL 1175

M2, E2
HB 1298/22 – JUD

3lr2105

By: **Delegates Valentine, Buckel, and Ghrist**
Introduced and read first time: February 10, 2023
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Hunting Offenses – Expungement**

3 FOR the purpose of authorizing a person to file a petition for expungement of certain
4 criminal records based on a conviction for certain hunting offenses; and generally
5 relating to expungement for hunting offenses.

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 2022 Supplement)

11 BY repealing and reenacting, without 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.

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

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

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

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

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

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

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

13 (vi) § 5–211 of this article;

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

15 (viii) § 5–601 not involving the use or possession of cannabis, §
16 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law
17 Article;

18 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
19 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;

20 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
21 Criminal Law Article;

22 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
23 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;

24 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;

25 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
26 Criminal Law Article;

27 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;

28 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
29 12–204, § 12–205, or § 12–302 of the Criminal Law Article;

30 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;

1 (xvii) § 4-509 of the Family Law Article;

2 (xviii) § 18-215 of the Health – General Article;

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

5 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
6 27-407.1, or § 27-407.2 of the Insurance Article;

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

10 **(XXII) § 10-301, § 10-306, § 10-308.1, §**
11 **10-413(E)(1), § 10-418, § 10-502, § 10-611, OR § 10-907(A) OF THE NATURAL**
12 **RESOURCES ARTICLE;**

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

15 **[(xxiii)] (XXIV) § 7-318.1, § 7-509, or § 10-507 of the Real Property**
16 **Article;**

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

18 **[(xxv)] (XXVI) § 13-1001, § 13-1004, § 13-1007, or §**
19 **13-1024 of the Tax – General Article;**

20 **[(xxvi)] (XXVII) § 16-303 of the Transportation Article; or**

21 **[(xxvii)] (XXVIII) the common law offenses of affray, rioting, criminal**
22 **contempt, battery, or hindering;**

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

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

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

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

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

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

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

10 (3) Except as provided in paragraph (4) of this subsection, a petition for
11 expungement of a felony may not be filed earlier than 15 years after the person satisfies
12 the sentence or sentences imposed for all convictions for which expungement is requested,
13 including parole, probation, or mandatory supervision.

14 (4) A petition for expungement of a conviction of possession with intent to
15 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than
16 3 years after the person satisfies the sentence or sentences imposed for all convictions for
17 which expungement is requested, including parole, probation, or mandatory supervision.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.