

# SENATE BILL 37

E2

(3lr0871)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Waldstreicher**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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)~~

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY adding to  
 2 Article – Criminal Procedure  
 3 Section 10–105.4  
 4 Annotated Code of Maryland  
 5 (2018 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – Criminal Procedure  
 8 Section ~~10–110(e)~~ 10–110(a) and (c)  
 9 Annotated Code of Maryland  
 10 (2018 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Procedure**

14 **10–105.4.**

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

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

20 10–110.

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

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

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

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

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

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

- 1 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law  
2 Article;
- 3 (vi) § 5–211 of this article;
- 4 (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 5 (viii) § 5–601 not involving the use or possession of cannabis, §  
6 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law  
7 Article;
- 8 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §  
9 6–301, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 10 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the  
11 Criminal Law Article;
- 12 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §  
13 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 14 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 15 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the  
16 Criminal Law Article;
- 17 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 18 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §  
19 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 20 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 21 (xvii) § 4–509 of the Family Law Article;
- 22 (xviii) § 18–215 of the Health – General Article;
- 23 (xix) § 4–411 or § 4–2005 of the Housing and Community Development  
24 Article;
- 25 (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, §  
26 27–407.1, or § 27–407.2 of the Insurance Article;
- 27 (xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, §  
28 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed  
29 limits for personal watercraft;

1 (xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public  
2 Safety Article;

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

4 (xxiv) § 9–124 of the State Government Article;

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

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

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

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

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

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

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

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

17 (c) (1) Except as **OTHERWISE** provided in [paragraphs (2), (3), and (4) of] this  
18 subsection, a petition for expungement under this section may not be filed earlier than [10]  
19 ~~3~~ **5** years after the person satisfies the sentence or sentences imposed for all convictions for  
20 which expungement is requested, including parole, probation, or mandatory supervision.

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

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

31 **[(3)] (4)** Except as provided in ~~paragraph~~ **PARAGRAPHS [(4)] (5) AND**  
32 **(6)** of this subsection, a petition for expungement of a felony may not be filed earlier than

1 [15] ~~5~~ 7 years after the person satisfies the sentence or sentences imposed for all  
2 convictions for which expungement is requested, including parole, probation, or mandatory  
3 supervision.

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.