

## Chapter 685

## (Senate Bill 173)

AN ACT concerning

**Automatic Expungement – Clarification**

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

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

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

**Article – Criminal Procedure**

10–105.1.

(a) Beginning October 1, 2021, any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of a [crime or a] civil offense under § 5–601(c)(2)(ii) of the Criminal Law Article[, including a must–appear violation of the Transportation Article,] **OR A CRIME OTHER THAN A VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH THE DEFENDANT IS NOT REQUIRED TO APPEAR** shall be expunged 3 years after a disposition of the charge if no charge in the case resulted in a disposition other than:

- (1) acquittal;
- (2) dismissal;
- (3) not guilty; or
- (4) nolle prosequi, except nolle prosequi with a requirement of drug or alcohol treatment.

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

- (1) the Central Repository;
- (2) each booking facility, law enforcement unit, and other unit of the State and political subdivision of the State that the court believes may have a record subject to expungement under this section; and
- (3) the person entitled to expungement.

10-105.2.

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

- (1) acquittal;
- (2) dismissal;
- (3) not guilty; or
- (4) nolle prosequi, except nolle prosequi with a requirement of drug or alcohol treatment.

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

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

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

**Approved by the Governor, May 16, 2023.**