

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 173

(Senators Waldstreicher and Muse)

Judicial Proceedings

Judiciary

Automatic Expungement - Clarification

This bill clarifies language enacted under Chapter 680 of 2021 regarding automatic expungements of records pertaining to charges in cases meeting specified criteria.

Fiscal Summary

State Effect: None. The bill does not substantively change State activities or operations. The Judiciary advises that the bill rearranges existing statutory language and does not have a fiscal or operational impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Pursuant to Chapter 680, 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*, must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than acquittal; dismissal; not guilty; or *nolle prosequi*, other than *nolle prosequi* with a requirement of drug or alcohol treatment.

The bill clarifies that these provisions apply to a *civil offense under § 5-601(c)(2)(ii) of the Criminal Law Article or a crime other than a violation of the Transportation Article for which the defendant is not required to appear*.

The bill makes corresponding changes to specified notice requirements regarding these expungements, which were also enacted under Chapter 680.

Prior to January 1, 2023, § 5-601(c)(2)(ii) of the Criminal Law Article referred to the possession of less than 10 grams of marijuana. From January 1, 2023, through June 30, 2023, § 5-601(c)(2)(ii) refers to possession of the personal use amount of cannabis and possession of the civil use amount of cannabis. Effective July 1, 2023, § 5-601(c)(2)(ii) will refer to possession of the personal use amount of cannabis by an individual younger than age 21 and possession of the civil use amount of cannabis.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 26 of 2022.

Designated Cross File: HB 189 (Delegate Moon, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2023
km/jkb Third Reader - March 18, 2023
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