

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 189  
Judiciary

(Delegate Moon, *et al.*)

Judicial Proceedings

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Automatic Expungement - Clarification

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

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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.

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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.

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### **Additional Information**

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

**Designated Cross File:** SB 173 (Senators Waldstreicher and Muse) - Judicial Proceedings.

**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  
rh/jkb Third Reader - March 21, 2023  
Revised - Amendment(s) - March 21, 2023

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