

HOUSE BILL 1448

R4

4lr3036

By: **Delegate Conaway**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Driving Records – Expungement**

3 FOR the purpose of requiring the Motor Vehicle Administration to automatically expunge
4 information in the public driving record of a licensee if the information has been
5 expunged from a court record or a police record; and generally relating to the
6 expungement of public driving records.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Procedure
9 Section 10–101(a), (c), and (h)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 16–117.1(a) and (b)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 16–117.1(e)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2023 Supplement)

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

24 **Article – Criminal Procedure**

25 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (c) (1) “Court record” means an official record of a court that the clerk of a
3 court or other court personnel keeps about:

4 (i) a criminal proceeding; or

5 (ii) any other proceeding, except a juvenile proceeding, concerning a
6 civil offense or infraction enacted under State or local law as a substitute for a criminal
7 charge.

8 (2) “Court record” includes:

9 (i) a record of a violation of the Transportation Article for which a
10 term of imprisonment may be imposed; and

11 (ii) an index, docket entry, charging document, pleading,
12 memorandum, transcription of proceedings, electronic recording, order, and judgment.

13 (h) “Police record” means an official record that a law enforcement unit, booking
14 facility, or the Central Repository maintains about the arrest and detention of, or further
15 proceeding against, a person for:

16 (1) a criminal charge;

17 (2) a suspected violation of a criminal law;

18 (3) a violation of the Transportation Article for which a term of
19 imprisonment may be imposed; or

20 (4) a civil offense or infraction, except a juvenile offense, enacted under
21 State or local law as a substitute for a criminal charge.

22 Article – Transportation

23 16–117.1.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) “Child Support Administration” means the Child Support
26 Administration of the Department of Human Services.

27 (3) **“COURT RECORD” HAS THE MEANING STATED IN § 10–101 OF THE**
28 **CRIMINAL PROCEDURE ARTICLE.**

1 (4) “Criminal offense” does not include any violation of the Maryland
2 Vehicle Law.

3 (5) **“POLICE RECORD” HAS THE MEANING STATED IN § 10–101 OF THE**
4 **CRIMINAL PROCEDURE ARTICLE.**

5 (b) (1) The Administration shall expunge the public driving record of a licensee
6 if:

7 [(1)] (I) The licensee has not been convicted of a moving violation or a
8 criminal offense involving a motor vehicle for the preceding 3 years, and the licensee’s
9 license never has been suspended for reasons related to driver safety, as defined by the
10 Administration, or revoked;

11 [(2)] (II) The licensee has not been convicted of a moving violation or a
12 criminal offense involving a motor vehicle for the preceding 5 years, and the licensee’s
13 record shows not more than one suspension for reasons related to driver safety, as defined
14 by the Administration, and no revocations; or

15 [(3)] (III) Within the preceding 10 years:

16 [(i)] 1. The licensee has not been granted probation before
17 judgment for a violation of § 20–102 or § 21–902 of this article; and

18 [(ii)] 2. The licensee has not been convicted of any moving
19 violation or criminal offense involving a motor vehicle, regardless of the number of
20 suspensions or revocations.

21 (2) **THE ADMINISTRATION SHALL AUTOMATICALLY EXPUNGE ANY**
22 **INFORMATION IN THE PUBLIC DRIVING RECORD OF A LICENSEE IF THE**
23 **INFORMATION HAS BEEN EXPUNGED FROM A COURT RECORD OR A POLICE RECORD**
24 **OF THE LICENSEE UNDER TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE**
25 **ARTICLE.**

26 (e) Notwithstanding any other provision of this section, the Administration may
27 not expunge:

28 (1) Any driving records before the expiration of the time they are required
29 to be retained under § 16–819 of this title;

30 (2) Any driving record entries required for assessment of subsequent
31 offender penalties; and

32 (3) Any driving record entries related to a moving violation or an accident
33 that resulted in the death of another person.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.