

SENATE BILL 1030

E2
SB 17/23 – JPR

4lr2680

By: **Senator Carter**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – Good Cause**

3 FOR the purpose of authorizing a court to grant a petition for expungement of records
4 relating to a certain conviction at any time on a showing of good cause; specifying
5 certain criteria for consideration of expungement for good cause; and generally
6 relating to expungement of records.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 10–110
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

12 BY adding to
13 Article – Criminal Procedure
14 Section 10–110.1
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2023 Supplement)

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

19 **Article – Criminal Procedure**

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) § 6–320 of the Alcoholic Beverages **AND CANNABIS** Article;
- 2 (ii) an offense listed in § 17–613(a) of the Business Occupations and
3 Professions Article;
- 4 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
5 the Business Regulation Article;
- 6 (iv) § 3–1508 or § 10–402 of the Courts Article;
- 7 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
8 Article;
- 9 (vi) § 5–211 of this article;
- 10 (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- 11 (viii) § 5–601 not involving the use or possession of cannabis, §
12 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law
13 Article;
- 14 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
15 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 16 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
17 Criminal Law Article;
- 18 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
19 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 20 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 21 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
22 Criminal Law Article;
- 23 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 24 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
25 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 26 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 27 (xvii) § 4–509 of the Family Law Article;
- 28 (xviii) § 18–215 of the Health – General Article;

1 (xix) § 4-411 or § 4-2005 of the Housing and Community Development
2 Article;

3 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
4 27-407.1, or § 27-407.2 of the Insurance Article;

5 (xxi) § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, §
6 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed
7 limits for personal watercraft;

8 (xxii) § 10-301, § 10-306, § 10-308.1, § 10-413(e)(1), § 10-418, §
9 10-502, § 10-611, or § 10-907(a) of the Natural Resources Article;

10 (xxiii) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
11 Safety Article;

12 (xxiv) § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

13 (xxv) § 9-124 of the State Government Article;

14 (xxvi) § 13-1001, § 13-1004, § 13-1007, or § 13-1024 of the
15 Tax – General Article;

16 (xxvii) § 16-303 of the Transportation Article; or

17 (xxviii) the common law offenses of affray, rioting, criminal
18 contempt, battery, or hindering;

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

20 (i) § 7-104 of the Criminal Law Article;

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

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

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

26 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person
27 shall file a petition for expungement in the court in which the proceeding began.

28 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if the
29 proceeding began in one court and was transferred to another court, the person shall file
30 the petition in the court to which the proceeding was transferred.

1 (ii) If the proceeding began in one court and was transferred to the
2 juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in
3 the court of original jurisdiction from which the order of transfer was entered.

4 (3) (i) If the proceeding in a court of original jurisdiction was appealed
5 to a court exercising appellate jurisdiction, the person shall file the petition in the appellate
6 court.

7 (ii) The appellate court may remand the matter to the court of
8 original jurisdiction.

9 (c) (1) Except as otherwise provided in this subsection, a petition for
10 expungement under this section may not be filed earlier than 5 years after the person
11 satisfies the sentence or sentences imposed for all convictions for which expungement is
12 requested, including parole, probation, or mandatory supervision.

13 (2) A petition for expungement for a violation of § 3–203 of the Criminal
14 Law Article, or common law battery may not be filed earlier than 7 years after the person
15 satisfies the sentence or sentences imposed for all convictions for which expungement is
16 requested, including parole, probation, or mandatory supervision.

17 (3) A petition for expungement for an offense classified as a domestically
18 related crime under § 6–233 of this article may not be filed earlier than 15 years after the
19 person satisfies the sentence or sentences imposed for all convictions for which
20 expungement is requested, including parole, probation, or mandatory supervision.

21 (4) Except as provided in paragraphs(5) and (6)of this subsection, a petition
22 for expungement of a felony may not be filed earlier than 15 years after the person satisfies
23 the sentence or sentences imposed for all convictions for which expungement is requested,
24 including parole, probation, or mandatory supervision.

25 (5) A petition for expungement of a conviction of possession with intent to
26 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than
27 3 years after the person satisfies the sentence or sentences imposed for all convictions for
28 which expungement is requested, including parole, probation, or mandatory supervision.

29 (6) A petition for expungement of a conviction for § 6–202(a), § 6–203, or a
30 felony that is a violation of § 7–104 of the Criminal Law Article may not be filed earlier
31 than 10 years after the person satisfies the sentence or sentences imposed for all convictions
32 for which expungement is requested, including parole, probation, or mandatory
33 supervision.

34 **(7) A COURT MAY GRANT A PETITION FOR EXPUNGEMENT UNDER**
35 **THIS SECTION AT ANY TIME ON A SHOWING OF GOOD CAUSE, IN ACCORDANCE WITH**
36 **§ 10–110.1 OF THIS SUBTITLE.**

37 (d) (1) If the person is convicted of a new crime during the applicable time

1 period set forth in subsection (c) of this section, the original conviction or convictions are
2 not eligible for expungement unless the new conviction becomes eligible for expungement.

3 (2) A person is not eligible for expungement if the person is a defendant in
4 a pending criminal proceeding.

5 (3) If a person is not eligible for expungement of one conviction in a unit,
6 the person is not eligible for expungement of any other conviction in the unit.

7 (e) (1) The court shall have a copy of a petition for expungement served on the
8 State's Attorney.

9 (2) The court shall send written notice of the expungement request to each
10 listed victim in the case in which the petitioner is seeking expungement at the address
11 listed in the court file, advising the victim of the right to offer additional information
12 relevant to the expungement petition to the court.

13 (3) Unless the State's Attorney or a victim files an objection to the petition
14 for expungement within 30 days after the petition is served, the court shall pass an order
15 requiring the expungement of all police records and court records about the charge.

16 (f) (1) If the State's Attorney or a victim files a timely objection to the petition,
17 the court shall hold a hearing.

18 (2) The court shall order the expungement of all police records and court
19 records about the charge after a hearing, if the court finds and states on the record:

20 (i) that the conviction is eligible for expungement under subsection
21 (a) of this section;

22 (ii) that the person is eligible for expungement under subsection (d)
23 of this section;

24 (iii) that giving due regard to the nature of the crime, the history and
25 character of the person, and the person's success at rehabilitation, the person is not a risk
26 to public safety; and

27 (iv) that an expungement would be in the interest of justice.

28 (g) If at a hearing the court finds that a person is not entitled to expungement,
29 the court shall deny the petition.

30 (h) Unless an order is stayed pending appeal, within 60 days after entry of the
31 order, every custodian of the police records and court records that are subject to the order
32 of expungement shall advise in writing the court and the person who is seeking
33 expungement of compliance with the order.

1 (i) (1) The State's Attorney is a party to the proceeding.

2 (2) A party aggrieved by the decision of the court is entitled to the appellate
3 review as provided in the Courts Article.

4 **10-110.1.**

5 (A) A COURT MAY GRANT A PETITION FOR EXPUNGEMENT AT ANY TIME ON
6 A SHOWING OF GOOD CAUSE AFTER THE PERSON SATISFIES THE SENTENCE OR
7 SENTENCES IMPOSED FOR A CONVICTION FOR WHICH EXPUNGEMENT IS
8 REQUESTED, INCLUDING PAROLE, PROBATION, OR ANY OTHER MANDATORY
9 SUPERVISION.

10 (B) IN MAKING A DETERMINATION OF GOOD CAUSE REQUIRED UNDER
11 SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER:

12 (1) THE NATURE OF THE CRIME;

13 (2) THE PERSON'S CHARACTER AND HISTORY;

14 (3) THE PERSON'S RISK TO PUBLIC SAFETY;

15 (4) THE PERSON'S SUCCESS AT REHABILITATION; AND

16 (5) THE IMPACT THE CHARGE HAS ON THE PERSON'S ABILITY TO
17 SECURE EMPLOYMENT, EDUCATION, HOUSING, PUBLIC ASSISTANCE, LICENSING,
18 AND OPPORTUNITIES FOR ECONOMIC STABILITY.

19 (C) A PERSON MAY PETITION FOR EXPUNGEMENT ON A SHOWING OF GOOD
20 CAUSE ONCE EVERY 5 YEARS FOR A SPECIFIC CHARGE.

21 (D) A PETITION FOR EXPUNGEMENT REQUESTED UNDER THIS SECTION, IF
22 DENIED BY THE COURT, MAY NOT BE APPEALED.

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