

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1448  
Judiciary

(Delegate Conaway)

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**Motor Vehicle Administration - Driving Records - Expungement**

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This bill requires the Motor Vehicle Administration (MVA) to automatically expunge any information in the public driving record of a licensee if the information has been expunged from a court record or a police record pursuant to Title 10, Subtitle 1 of the Criminal Procedure Article.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations. MVA can make necessary reprogramming changes with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Expungement of Court Records and Police Records – Criminal Procedure Article*

A “court record” is the official record of a court that the clerk of a court or other court personnel keeps about a criminal proceeding or any other proceeding (except a juvenile proceeding) concerning a civil offense or infraction enacted under State or local law as a substitute for a criminal charge. A court record includes (1) a record of a violation of the Transportation Article for which a term of imprisonment may be imposed and (2) an index,

docket entry, charging document, pleading, memorandum, transcript of a proceeding, electronic recording, order, and judgment.

A “police record” is an official record maintained by a law enforcement unit, booking facility, or the Central Repository about the arrest and detention of, or further proceeding against, a person for (1) a criminal charge; (2) a suspected violation of criminal law; (3) a violation of the Transportation Article for which a term of imprisonment may be imposed; and (4) a civil offense or infraction (except a juvenile offense), enacted under State or local law as a substitute for a criminal charge.

Title 10, Subtitle 1 of the Criminal Procedure Article addresses the expungement of court records and police records, including records associated with the disposition of charges for violations of the Transportation Article *for which a term of imprisonment may be imposed*. The provisions do not apply to records about minor traffic violations.

In general, other than specified court-initiated expungements under § 10-105.1 of the Criminal Procedure Article, to begin the process of expungement, a petitioner must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article, which establish eligibility for the expungement of records pertaining to a criminal charge or conviction. The eligibility to file a petition for expungement is subject to specified waiting periods, generally dependent on the offense and/or the disposition. For example, a petition based on a probation before judgment may not be filed before the petitioner’s discharge from probation or three years after the probation was granted, whichever is later.

Under § 10-105.1 of the Criminal Procedure Article, 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 civil offense under § 5-601 (c)(2)(ii) of the Criminal Law Article (related to cannabis) or a crime other than a violation of the Transportation Article for which the defendant is not required to appear 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.

#### *Motor Vehicle Administration – Expungement of Public Driving Records*

MVA must expunge the public driving record of a licensee if:

- the licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee’s license has never been suspended for reasons related to driver safety, as defined by MVA, or revoked;

- the licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's record shows no more than one suspension for reasons related to driver safety, as defined by MVA, and no revocations; or
- within the preceding 10 years (1) the licensee has not been granted probation before judgment for a violation related to the duty of a driver to remain at the scene of an accident resulting in bodily injury/death or driving while under the influence of alcohol, while under the influence of alcohol *per se*, while impaired by alcohol, or while impaired by a drug, a combination of drugs, a combination of one or more drugs and alcohol, or while impaired by a controlled dangerous substance and (2) the licensee has not been convicted of any moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

Despite the above provisions, MVA may *not* expunge (1) any driving records before the expiration of the time they are required to be retained under specified provisions of State law; (2) any driving record entries required for assessment of subsequent offender penalties; and (3) any driving record entries related to a moving violation or an accident that resulted in the death of another person.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2024  
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