

SENATE BILL 398

E2

5lr2207
CF 5lr2169

By: **Senator McKay**

Introduced and read first time: January 20, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Automated Expungement**

3 FOR the purpose of repealing a certain provision of law requiring the Department of Public
4 Safety and Correctional Services to expunge certain cases involving charges of
5 possession of cannabis on or before a certain date; establishing procedures for the
6 automated expungement of certain cases by the Department and the Judiciary; and
7 generally relating to expungement.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 10–112
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2024 Supplement)

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

15 **Article – Criminal Procedure**

16 10–112.

17 (a) **(1)** In this section[, “expunge”] **THE FOLLOWING WORDS HAVE THE**
18 **MEANINGS INDICATED.**

19 **(2) “DEPARTMENT” MEANS THE DEPARTMENT OF PUBLIC SAFETY**
20 **AND CORRECTIONAL SERVICES.**

21 **(3) (I) “EXPUNGE” means to:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. remove all references to a specified criminal case from the
2 Central Repository; AND

3 2. **REMOVE FROM PUBLIC VIEW ALL ELECTRONIC COURT**
4 **RECORDS RELATING TO THE CASE.**

5 **(II) EXPUNGEMENT DOES NOT REQUIRE:**

6 1. **PHYSICAL OBLITERATION OF RECORDS; OR**

7 2. **REDACTION OF PHYSICAL OR ELECTRONIC**
8 **DOCUMENTS, MEDIA, OR RECORDINGS.**

9 (b) On or before July 1, [2024] **2027**, the Department [of Public Safety and
10 Correctional Services] **AND THE JUDICIARY** shall expunge all cases in which **ALL**
11 **CHARGES IN THE CASE ARE ELIGIBLE FOR EXPUNGEMENT UNDER:**

12 (1) [possession of cannabis under § 5–601 of the Criminal Law Article is
13 the only charge in the case; and] **§ 10–105 OF THIS SUBTITLE, IF AT LEAST 3 YEARS**
14 **HAVE PASSED SINCE THE DISPOSITION OF THE CASE; OR**

15 (2) [the charge was issued before July 1, 2023] **§ 10–110 OF THIS**
16 **SUBTITLE, IF:**

17 **(I) THE CHARGE IS A MISDEMEANOR OTHER THAN:**

18 1. **A CHARGE MARKED IN ELECTRONIC COURT RECORDS**
19 **AS A DOMESTICALLY RELATED CRIME UNDER § 6–233 OF THIS ARTICLE; OR**

20 2. **ASSAULT IN THE SECOND DEGREE UNDER § 3–203 OF**
21 **THIS ARTICLE; AND**

22 **(II) AT LEAST 7 YEARS HAVE PASSED SINCE THE DISPOSITION OF**
23 **THE CASE.**

24 (c) **(1) BEGINNING AUGUST 1, 2027, THE JUDICIARY SHALL, ONCE PER**
25 **MONTH, IDENTIFY ALL CASES THAT ARE NEWLY ELIGIBLE FOR EXPUNGEMENT**
26 **BASED ON THE CRITERIA SET FORTH IN SUBSECTION (B) OF THIS SECTION.**

27 **(2) PROMPTLY AFTER MAKING EACH DETERMINATION REQUIRED**
28 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE JUDICIARY SHALL**
29 **ELECTRONICALLY NOTIFY THE DEPARTMENT OF ALL CASES THAT ARE NEWLY**
30 **ELIGIBLE FOR EXPUNGEMENT.**

1 **(3) WITHIN 30 DAYS AFTER THE NOTIFICATION REQUIRED UNDER**
2 **PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT AND THE JUDICIARY**
3 **SHALL EXPUNGE THE IDENTIFIED NEWLY ELIGIBLE CASES.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.