

SENATE BILL 432

E2

5r0442
CF 5r0443

By: **The President (By Request – Administration) and Senators Charles, Ellis, Henson, Hettleman, King, and West**

Introduced and read first time: January 20, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Records – Expungement and Maryland Judiciary Case Search**
3 **(Expungement Reform Act of 2025)**

4 FOR the purpose of altering certain provisions of law relating to waiting periods for the
5 filing of certain petitions for expungement to authorize the filing of a petition a
6 certain amount of time after the completion of the sentence; adding to the list of
7 misdemeanor convictions that a person may expunge under certain circumstances;
8 requiring a court to determine that a person seeking a certain expungement has paid
9 restitution ordered by the court or does not have the ability to pay the restitution;
10 prohibiting the Maryland Judiciary Case Search from in any way referring to the
11 existence of certain records; and generally relating to expungement and the
12 Maryland Judiciary Case Search.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 10–101, 10–105(c)(6) and (8), 10–110(a), (c), and (f), and 10–401
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2024 Supplement)

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

20 **Article – Criminal Procedure**

21 10–101.

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

23 (b) “Central Repository” means the Criminal Justice Information System Central
24 Repository in the Department.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) **“COMPLETION OF THE SENTENCE” MEANS THE TIME WHEN A SENTENCE**
2 **HAS EXPIRED, INCLUDING ANY PERIOD OF PROBATION, PAROLE, OR MANDATORY**
3 **SUPERVISION.**

4 (D) (1) “Court record” means an official record of a court that the clerk of a
5 court or other court personnel keeps about:

6 (i) a criminal proceeding; or

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

10 (2) “Court record” includes:

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

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

15 [(d)] (E) “Expunge” means to remove information from public inspection in
16 accordance with this subtitle.

17 [(e)] (F) Except as otherwise provided in this subtitle, “expungement” with
18 respect to a court record or a police record means removal from public inspection:

19 (1) by obliteration;

20 (2) by removal to a separate secure area to which persons who do not have
21 a legitimate reason for access are denied access; or

22 (3) if access to a court record or police record can be obtained only by
23 reference to another court record or police record, by the expungement of it or the part of it
24 that provides access.

25 [(f)] (G) “Law enforcement unit” means a State, county, or municipal police
26 department or unit, the office of a sheriff, the office of a State’s Attorney, the Office of the
27 State Prosecutor, or the Office of the Attorney General of the State.

28 [(g)] (H) “Minor traffic violation” means a nonincarcerable violation of the
29 Maryland Vehicle Law or any other traffic law, ordinance, or regulation.

30 [(h)] (I) “Police record” means an official record that a law enforcement unit,
31 booking facility, or the Central Repository maintains about the arrest and detention of, or

1 further proceeding against, a person for:

2 (1) a criminal charge;

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

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

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

8 10–105.

9 (c) (6) A petition for expungement based on the conviction of a crime under
10 subsection (a)(9) of this section may not be filed within 3 years after the [conviction or
11 satisfactory completion of the sentence, including probation, that was imposed for the
12 conviction, whichever is later] **COMPLETION OF THE SENTENCE**.

13 (8) A petition for expungement based on the conviction of a crime under
14 subsection (a)(12) of this section may not be filed before [satisfactory] **THE** completion of
15 the sentence[, including probation, that was imposed for the conviction].

16 10–110.

17 (a) A person may file a petition listing relevant facts for expungement of a police
18 record, court record, or other record maintained by the State or a political subdivision of
19 the State if the person is convicted of:

20 (1) a misdemeanor that is a violation of:

21 (i) § 6–320 of the Alcoholic Beverages and Cannabis Article;

22 (ii) an offense listed in § 17–613(a) of the Business Occupations and
23 Professions Article;

24 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
25 the Business Regulation Article;

26 (iv) § 3–1508 or § 10–402 of the Courts Article;

27 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
28 Article;

29 (vi) § 5–211 of this article;

30 (vii) § 3–203 or § 3–808 of the Criminal Law Article;

- 1 (viii) § 5-601 not involving the use or possession of cannabis, §
2 5-602(b)(1), § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902 of the Criminal Law
3 Article;
- 4 (ix) § 6-105, § 6-108, § 6-205 (fourth degree burglary), § 6-206, §
5 6-301, § 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;
- 6 (x) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the
7 Criminal Law Article;
- 8 (xi) § 8-103, **§ 8-106, § 8-204**, § 8-206, § 8-401, § 8-402, § 8-404, §
9 8-406, § 8-408, § 8-503, § 8-521, § 8-523, **§ 8-610**, or § 8-904 of the Criminal Law Article;
- 10 (xii) § 9-204, § 9-205, **§ 9-408, § 9-501, § 9-502**, § 9-503, or §
11 9-506 of the Criminal Law Article;
- 12 (xiii) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the
13 Criminal Law Article;
- 14 (xiv) § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;
- 15 (xv) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §
16 12-204, § 12-205, or § 12-302 of the Criminal Law Article;
- 17 (xvi) § 13-401, § 13-602, or § 16-201 of the Election Law Article;
- 18 (xvii) § 4-509 of the Family Law Article;
- 19 (xviii) § 18-215 of the Health – General Article;
- 20 (xix) § 4-411 or § 4-2005 of the Housing and Community Development
21 Article;
- 22 (xx) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
23 27-407.1, or § 27-407.2 of the Insurance Article;
- 24 (xxi) § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, §
25 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed
26 limits for personal watercraft;
- 27 (xxii) § 10-301, § 10-306, § 10-308.1, § 10-413(e)(1), § 10-418, §
28 10-502, § 10-611, or § 10-907(a) of the Natural Resources Article;
- 29 (xxiii) § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
30 Safety Article;

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

2 (xxv) § 9–124 of the State Government Article;

3 (xxvi) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the
4 Tax – General Article;

5 (xxvii) **§ 16–101 OR** § 16–303 of the Transportation Article; or

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

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

9 (i) § 7–104 of the Criminal Law Article;

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

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

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

15 (c) (1) Except as otherwise provided in this subsection, a petition for
16 expungement under this section may not be filed earlier than 5 years after the [person
17 satisfies the sentence or sentences imposed for all convictions for which expungement is
18 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**
19 **SENTENCE.**

20 (2) A petition for expungement for a violation of § 3–203 of the Criminal
21 Law Article or common law battery may not be filed earlier than 7 years after the [person
22 satisfies the sentence or sentences imposed for all convictions for which expungement is
23 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**
24 **SENTENCE.**

25 (3) A petition for expungement for an offense classified as a domestically
26 related crime under § 6–233 of this article may not be filed earlier than 15 years after the
27 [person satisfies the sentence or sentences imposed for all convictions for which
28 expungement is requested, including parole, probation, or mandatory supervision]
29 **COMPLETION OF THE SENTENCE.**

30 (4) Except as provided in paragraphs (5) and (6) of this subsection, a
31 petition for expungement of a felony may not be filed earlier than 7 years after the [person
32 satisfies the sentence or sentences imposed for all convictions for which expungement is
33 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**

1 **SENTENCE.**

2 (5) A petition for expungement of a conviction of possession with intent to
 3 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than
 4 3 years after the [person satisfies the sentence or sentences imposed for all convictions for
 5 which expungement is requested, including parole, probation, or mandatory supervision]
 6 **COMPLETION OF THE SENTENCE.**

7 (6) A petition for expungement of a conviction for § 6–202(a), § 6–203, or a
 8 felony that is a violation of § 7–104 of the Criminal Law Article may not be filed earlier
 9 than 10 years after the [person satisfies the sentence or sentences imposed for all
 10 convictions for which expungement is requested, including parole, probation, or mandatory
 11 supervision] **COMPLETION OF THE SENTENCE.**

12 (f) (1) If the State’s Attorney or a victim files a timely objection to the petition,
 13 the court shall hold a hearing.

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

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

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

20 (iii) that giving due regard to the nature of the crime, the history and
 21 character of the person, **THE PERSON’S SUCCESS AT COURT–ORDERED PROBATION,**
 22 and the person’s success at rehabilitation, the person is not a risk to public safety; [and]

23 (iv) **THAT THE PERSON HAS PAID ANY MONETARY RESTITUTION**
 24 **ORDERED BY THE COURT IN THE ORIGINAL PROCEEDING OR DOES NOT HAVE THE**
 25 **ABILITY TO PAY THE RESTITUTION; AND**

26 (v) that an expungement would be in the interest of justice.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 28 as follows:

29 **Article – Criminal Procedure**

30 10–401.

31 (A) The Maryland Judiciary Case Search may not in any way refer to the existence
 32 of records of a charge in a case with electronic records if the charge resulted in:

1 (1) acquittal;

2 (2) dismissal; [or]

3 (3) nolle prosequi[, except nolle prosequi with the requirement of drug or
4 alcohol treatment]; OR

5 **(4) THE COURT MARKING THE CHARGE STET ON THE DOCKET AT**
6 **LEAST 3 YEARS PREVIOUSLY.**

7 **(B) THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER**
8 **TO THE EXISTENCE OF RECORDS OF A CHARGE OF POSSESSION OF CANNABIS IN A**
9 **CASE WITH ELECTRONIC RECORDS IF THE CHARGE RESULTED IN A CONVICTION**
10 **THAT WAS LATER PARDONED BY THE GOVERNOR.**

11 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
12 effect January 1, 2026.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
14 3 of this Act, this Act shall take effect October 1, 2025.