

SENATE BILL 432

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CF HB 499

By: **The President (By Request – Administration) and Senators Charles, Ellis, Henson, Hettleman, King, and West** ~~West~~, Smith, Waldstreicher, Love, Muse, and Sydnor

Introduced and read first time: January 20, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2025

CHAPTER _____

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–101, 10–105(c)(6) and (8) and (e), 10–110(a), (c), and (f), and 10–401

Annotated Code of Maryland

(2018 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Criminal Procedure

10–101.

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

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

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

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

(i) a criminal proceeding; or

(ii) 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.

(2) “Court record” includes:

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

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

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

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

(1) by obliteration;

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

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

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

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

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

(1) a criminal charge;

(2) a suspected violation of a criminal law;

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

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

10–105.

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

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

(e) (1) If the State’s Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) except as provided in item (ii) of this paragraph, the petition is based on the entry of probation before judgment, except a probation before judgment for a

crime where the act on which the conviction is based is no longer a crime, and the person within 3 years after the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime;

(ii) the petition is based on the entry of probation before judgment for a violation of § 21–902(a) or (b) of the Transportation Article and the person within 15 years after the entry of the probation before judgment has:

1. been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or

2. received probation before judgment for a violation of § 21–902 of the Transportation Article; or

(iii) the person is a defendant in a pending criminal proceeding.

(5) IN DETERMINING WHETHER THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL CONSIDER, TO THE EXTENT APPLICABLE:

(I) THE PERSON'S SUCCESS AT PROBATION, PAROLE, OR MANDATORY SUPERVISION; AND

(II) WHETHER THE PERSON HAS PAID ANY MONETARY RESTITUTION ORDERED BY THE COURT IN THE ORIGINAL PROCEEDING OR DOES NOT HAVE THE ABILITY TO PAY THE RESTITUTION.

10–110.

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

(1) a misdemeanor that is a violation of:

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

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

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

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

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

(vi) § 5–211 of this article;

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

(viii) § 5–601 not involving the use or possession of cannabis, § 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;

(ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, § 6–301, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;

(x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the Criminal Law Article;

(xi) § 8–103, **§ 8–106, § 8–204**, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, § 8–503, § 8–521, § 8–523, ~~§ 8–610~~, or § 8–904 of the Criminal Law Article;

(xii) § 9–204, § 9–205, ~~§ 9–408, § 9–501, § 9–502~~, § 9–503, or § 9–506 of the Criminal Law Article;

(xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the Criminal Law Article;

(xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;

(xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, § 12–204, § 12–205, or § 12–302 of the Criminal Law Article;

(xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;

(xvii) § 4–509 of the Family Law Article;

(xviii) § 18–215 of the Health – General Article;

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

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

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

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

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

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

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

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

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

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

(2) a felony that is a violation of:

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

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

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

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

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

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

(3) A petition for expungement for an offense classified as a domestically related crime under § 6–233 of this article may not be filed earlier than 15 years after the [person satisfies the sentence or sentences imposed for all convictions for which

expungement is requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE SENTENCE.**

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

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

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

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

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

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

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

(iii) that giving due regard to the nature of the crime, the history and character of the person, **THE PERSON'S SUCCESS AT COURT ORDERED PROBATION, PAROLE, OR MANDATORY SUPERVISION**, and the person's success at rehabilitation, the person is not a risk to public safety; [and]

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

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

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

Article – Criminal Procedure

10–401.

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

- (1) acquittal;
- (2) dismissal; [or]
- (3) nolle prosequi[, except nolle prosequi with the requirement of drug or alcohol treatment]; **OR**

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1 January 31, 2026.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.