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Delegate Barron:

You contacted the library to discover the legislative history behind the “unit rule” statute (Criminal Procedure 10-107). I’ve dug through the stacks in the library, and the legislative history behind this statute is very sparse. But here is what we do know:

The statute was enacted in 1975 through Chapter 260, which was a comprehensive expungement bill. Other than Code revision, it has been amended only twice, once in 1996 and once in 1998 to exclude certain traffic offenses from being considered part of a unit. We do have a file for the 1975 legislation, but there is only one document in the file. It was an Administration bill, however I do not see evidence of a Task Force or Workgroup that studied expungement or criminal records prior to the enactment of the legislation.

I dug through the local media reports of the time and discovered that the bill was actually a reintroduction of legislation that had been passed in 1974, but vetoed by the Governor. The Governor’s veto letter also included several letters of concern by members of the judicial branch. They reiterate the concern of burdensome paperwork. The 1974 bill probably had more debate but, unfortunately, we did not keep a file for the 1974 legislation. The documents in the 1996 and 1998 files are also few, and they do not provide much insight into the history of the concept of a unit.

I also looked for annotations in the obsolete Code to see if any major letters of advice or cases were cited with the statute. There was only one case noted, and it is *Stoddard v State* from 2006. The case is deciding whether several charges should or should not be considered a unit, and it makes an interpretation of the legislative intent of the statute. I’m not sure if it is useful or not to your research, but I thought I would pass it along.

Westlaw has created a 50 State Survey of expungement laws throughout the country. It looks to me like the unit rule is fairly unique. However, I will check with the National Center for State Courts to verify that this is the case and to see if I can get clarification on how the expungement process works in those states. That may take a little time, so I wanted to be sure and get this history to you before I collect the individual state information.

Attached to and/or linked in this email please find:

- HB 122 of 1974 and the veto letter;
- *Sun* articles on the 1974 expungement bill;
- Chapter 260 of 1975 (enacting legislation);
- Bill file documents for Ch. 260 (HB 82);
- [Chapter 565 of 1996](#) (SB 88);
- Bill file documents for SB 88;
- [Chapter 495 of 1998](#) (HB 645);
- Bill file documents for HB 645;
- *Stoddard v State*; and,
- Westlaw's 50 State Survey for expungement

I hope this information is valuable to your research, and I'll be in touch with what I learn about the process in other states. Thank you for contacting the DLS library!

Best,
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