

# HOUSE BILL 1279

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11r2860

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By: **Delegates Carter, Alston, Anderson, and Rosenberg**

Introduced and read first time: February 24, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 20, 2011

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – ~~Retention of Right to Expungement~~ Charges Not**  
3 **Resulting in Conviction – Shielding**

4 FOR the purpose of ~~establishing that whether a person is entitled to expungement of~~  
5 ~~one charge arising from an incident, transaction, or set of facts does not affect~~  
6 ~~the person's right to expungement of another charge or conviction arising from~~  
7 ~~the same incident, transaction, or set of facts; making certain conforming~~  
8 ~~changes;~~ authorizing a person who was convicted of one or more charges in a  
9 certain unit to file a petition to shield certain information; specifying that a  
10 certain petition shall be filed with the Administrative Office of the Courts;  
11 specifying that a petition to shield information relating to a certain charge may  
12 not be filed until the expiration of a certain amount of time; requiring the  
13 Administrative Office of the Courts to shield certain information within a  
14 certain time period under certain circumstances; authorizing the  
15 Administrative Office of the Courts to assess a certain fee for a certain petition  
16 for a certain purpose; defining a certain term; making a certain technical  
17 ~~correction~~ corrections; and generally relating to the expungement and shielding  
18 of criminal charges.

19 BY repealing and reenacting, with amendments,  
20 Article – Criminal Procedure  
21 Section 10–107  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2010 Supplement)

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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.



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

3 **Article – Criminal Procedure**

4 10–107.

5 (a) [(1)] In this subtitle, if two or more charges **OR CONVICTIONS**, ~~other~~  
6 ~~than one for a minor traffic violation~~, arise from the same incident, transaction, or set  
7 of facts, they are considered to be a unit.

8 [(2)] A charge for a minor traffic violation that arises from the same  
9 incident, transaction, or set of facts as a charge in the unit is not a part of the unit.]

10 (b) (1) [If] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
11 **SUBSECTION, IF** a person is not entitled to expungement of one [charge or] conviction  
12 in a unit, the person is not entitled to expungement of any other [charge or] conviction  
13 in the unit.

14 (2) [The disposition of a charge] ~~A CONVICTION~~ for a minor traffic  
15 violation [that arises from the same incident, transaction, or set of facts as a charge in  
16 the unit] does not affect any right to expungement of [a] **ANOTHER** charge or  
17 conviction in the unit.

18 ~~(c) WHETHER A PERSON IS ENTITLED TO EXPUNGEMENT OF ONE~~  
19 ~~CHARGE IN A UNIT DOES NOT AFFECT ANY RIGHT TO EXPUNGEMENT OF ANY~~  
20 ~~OTHER CHARGE OR CONVICTION IN THE UNIT.~~

21 **(c) (1) IN THIS SUBSECTION, “SHIELD” MEANS TO REMOVE**  
22 **INFORMATION FROM A PUBLIC WEB SITE AND PUBLIC COMPUTER TERMINALS**  
23 **MAINTAINED BY THE MARYLAND JUDICIARY.**

24 **(2) A PERSON WHO WAS CONVICTED OF ONE OR MORE CHARGES**  
25 **IN A UNIT MAY FILE A PETITION TO SHIELD INFORMATION REGARDING OTHER**  
26 **CHARGES IN THE UNIT THAT WERE DISPOSED OF BY ACQUITTAL, DISMISSAL,**  
27 **NOLLE PROSEQUI, OR STET.**

28 **(3) A PETITION SHALL BE FILED WITH THE ADMINISTRATIVE**  
29 **OFFICE OF THE COURTS.**

30 **(4) A PETITION TO SHIELD INFORMATION RELATING TO A**  
31 **STETTED CHARGE MAY NOT BE FILED UNTIL THE EXPIRATION OF 3 YEARS SINCE**  
32 **THE TIME THE STET WAS ENTERED.**

1           **(5) WITHIN 30 DAYS AFTER RECEIPT OF A PETITION FILED IN**  
2 **ACCORDANCE WITH THIS SUBSECTION, THE ADMINISTRATIVE OFFICE OF THE**  
3 **COURTS SHALL SHIELD THE INFORMATION.**

4           **(6) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ASSESS A**  
5 **REASONABLE FEE FOR A PETITION FILED UNDER THIS SUBSECTION TO OFFSET**  
6 **IMPLEMENTATION COSTS.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8           October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.