

HOUSE BILL 304

E2
HB 372/03 – JUD

5lr1460
CF SB 652

By: **Delegates Carter, Anderson, Barron, Branch, Conaway, Glass, Glenn, Gutierrez, Haynes, Jalisi, Lierman, McCray, Moon, Oaks, Pena–Melnik, Proctor, B. Robinson, Rosenberg, Smith, and Vallario**

Introduced and read first time: February 4, 2015
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted with floor amendments
Read second time: March 14, 2015

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records**

3 FOR the purpose of repealing a provision of law that provides that a person is not entitled
4 to expungement of the person’s record if the petition for expungement is based on a
5 certain case disposition other than an entry of a probation before judgment within a
6 certain period and the person, since the disposition, has been convicted of a crime
7 other than a minor traffic violation; providing that a person is not entitled to
8 expungement of the person’s record if the person is a defendant in a pending criminal
9 proceeding, regardless of the basis of the petition; and generally relating to
10 expungement of records.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 10–105(e)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

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

18 **Article – Criminal Procedure**

19 10–105.

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

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

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

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

9 (i) the petition is based on the entry of probation before judgment,
10 ~~a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol~~
11 ~~treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction~~
12 ~~for a crime specified in subsection (a)(9) of this section, a finding of not criminally~~
13 ~~responsible, or the grant of a pardon by the Governor; and~~

14 ~~(ii) the person:~~

15 ~~1. since WITHIN 3 YEARS OF the ~~full and unconditional~~~~
16 ~~pardon, entry, finding of not criminally responsible, or conviction ENTRY OF THE~~
17 ~~PROBATION BEFORE JUDGMENT has been convicted of a crime other than a minor traffic~~
18 ~~violation; or~~

19 ~~2. (II) THE PERSON is a defendant in a pending criminal~~
20 ~~proceeding.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.