

HOUSE BILL 73

E2

(PRE-FILED)

4r1178
CF 4r1331

By: **Delegate Bartlett**

Requested: October 26, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Completion of Sentence**

3 FOR the purpose of altering certain provisions of law relating to waiting periods for the
4 filing of certain petitions for expungement to authorize the filing of a petition a
5 certain amount of time after the completion of the sentence; and generally relating
6 to expungement.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 10–101, 10–105(c)(6) and (8), and 10–110(c)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

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

14 **Article – Criminal Procedure**

15 10–101.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) a criminal proceeding; or

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

7 (2) “Court record” includes:

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

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

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

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

16 (1) by obliteration;

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

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

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

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

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

30 (1) a criminal charge;

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

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

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

5 10–105.

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

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

13 10–110.

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

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

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

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

34 (5) A petition for expungement of a conviction of possession with intent to
35 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than

1 3 years after the [person satisfies the sentence or sentences imposed for all convictions for
2 which expungement is requested, including parole, probation, or mandatory supervision]
3 **COMPLETION OF THE SENTENCE.**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.