

SENATE BILL 774

E2

7lr2881

By: **Senator Bates**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Petition for Expungement**

3 FOR the purpose of prohibiting expungement of a certain assault in the second degree
4 offense if the victim of the offense was disabled, a vulnerable adult, or a minor;
5 limiting expungement of a certain offense relating to prostitution; and generally
6 relating to petitions for expungement.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 10–110(a)

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2016 Supplement)

12 (As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

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

15 **Article – Criminal Procedure**

16 10–110.

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

20 (1) § 6–320 of the Alcoholic Beverages Article;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) § 5-712, § 19-304, § 19-308, or Title 5, Subtitle 6 or Subtitle 9 of the
2 Business Regulation Article;

3 (4) § 3-1508 or § 10-402 of the Courts Article;

4 (5) § 14-1915, § 14-2902, or § 14-2903 of the Commercial Law Article;

5 (6) § 5-211 of the Criminal Procedure Article;

6 (7) § 3-203 [or] **OF THE CRIMINAL LAW ARTICLE, UNLESS THE VICTIM**
7 **OF THE OFFENSE WAS DISABLED, AS DEFINED IN § 7-101 OF THE HUMAN SERVICES**
8 **ARTICLE, A VULNERABLE ADULT, AS DEFINED IN § 14-101 OF THE FAMILY LAW**
9 **ARTICLE, OR A MINOR;**

10 (8) § 3-808 of the Criminal Law Article;

11 [(8)] (9) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902
12 of the Criminal Law Article;

13 [(9)] (10) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, or
14 § 6-503 of the Criminal Law Article;

15 [(10)] (11) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the
16 Criminal Law Article;

17 [(11)] (12) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §
18 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;

19 [(12)] (13) § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;

20 [(13)] (14) § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the
21 Criminal Law Article;

22 [(14)] (15) § [11-306(a)] **11-306(A)(1)** of the Criminal Law Article,
23 **UNLESS THE ASSIGNATION INVOLVED A MINOR;**

24 [(15)] (16) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §
25 12-204, § 12-205, or § 12-302 of the Criminal Law Article;

26 [(16)] (17) § 13-401, § 13-602, or § 16-201 of the Election Law Article;

27 [(17)] (18) § 4-509 of the Family Law Article;

28 [(18)] (19) § 18-215 of the Health – General Article;

1 [(19)] **(20)** § 4-411 or § 4-2005 of the Human Services Article;

2 [(20)] **(21)** § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §
3 27-407.1, or § 27-407.2 of the Insurance Article;

4 [(21)] **(22)** § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public
5 Safety Article;

6 [(22)] **(23)** § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;

7 [(23)] **(24)** § 9-124 of the State Government Article;

8 [(24)] **(25)** § 13-1001, § 13-1004, § 13-1007, or § 13-1024 of the
9 Tax – General Article;

10 [(25)] **(26)** the common law offenses of affray, rioting, criminal contempt, or
11 hindering; or

12 [(26)] **(27)** an attempt, a conspiracy, or a solicitation of any offense listed in
13 items (1) through [(25)] **(26)** of this subsection.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the General
16 Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended, this Act shall
17 take effect on the taking effect of Section 2 of Chapter 515.