

SENATE BILL 87

E2, E3

5lr1150
CF HB 131

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 26, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement**

3 FOR the purpose of requiring a petition for expungement of a criminal charge that has been
4 transferred to the juvenile court to be filed in the court of original jurisdiction from
5 which the order of transfer was entered; and generally relating to expungement.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Procedure

8 Section 10–105(b) and 10–106

9 Annotated Code of Maryland

10 (2008 Replacement Volume and 2014 Supplement)

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

13 **Article – Criminal Procedure**

14 10–105.

15 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person
16 shall file a petition in the court in which the proceeding began.

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 (2) **(I)** **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 2 **PARAGRAPH, IF** the proceeding began in one court and was transferred to another court,
 3 the person shall file the petition in the court to which the proceeding was transferred.

4 **(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS**
 5 **TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS**
 6 **ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL**
 7 **JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.**

8 (3) (i) If the proceeding in a court of original jurisdiction was appealed
 9 to a court exercising appellate jurisdiction, the person shall file the petition in the appellate
 10 court.

11 (ii) The appellate court may remand the matter to the court of
 12 original jurisdiction.

13 10-106.

14 **(A)** A person may file, and a court shall grant, a petition for expungement of a
 15 criminal charge transferred to the juvenile court under § 4-202 or § 4-202.2 of this article.

16 **(B)** **A PETITION FOR EXPUNGEMENT FILED UNDER THIS SECTION SHALL BE**
 17 **FILED IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF**
 18 **TRANSFER WAS ENTERED.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.