

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1343  
Judiciary

(Delegate Mosby, *et al.*)

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Criminal Procedure - Expungement - Expansion

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This bill makes several changes to the expungement statutes, including (1) expanding eligibility to file a petition for expungement of records pertaining to a conviction for a misdemeanor, as specified, or a felony other than a crime of violence, a crime requiring registration as a sexual offender, a hate crime, or a crime of animal cruelty; (2) eliminating various disqualifying factors; and (3) altering waiting periods for filing a petition for expungement.

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Fiscal Summary

**State Effect:** Significant increase in general fund expenditures for affected agencies to implement the bill. Special fund expenditures for the State Insurance Trust Fund (SITF) may also increase, as discussed below. Minimal increase in general fund revenues.

**Local Effect:** Local expenditures may increase for affected agencies to comply with the bill's requirements and for civil claims associated with expunged records, as discussed below. Local revenues are not anticipated to be materially affected.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Expungement of Warrants*

The bill (1) redefines a “police record” to include an arrest warrant, invalidated warrant, and a fugitive warrant and (2) authorizes a person who is the subject of an invalidated warrant or a fugitive warrant to file a petition for expungement of the applicable records if the warrant is dismissed or otherwise invalidated.

#### *Petitions for Expungement of a Conviction*

The bill repeals the expungement provisions under § 10-110 of the Criminal Procedure Article, which were enacted pursuant to Chapter 515 of 2016 (Justice Reinvestment Act) and subsequent legislation.

The bill expands eligibility to file a petition for expungement under § 10-105 of the Criminal Procedure Article, to include the following individuals:

- a person found guilty of a civil offense or infraction (three-year waiting period);
- a person who received probation before judgment for a violation of § 21-902 of the Transportation Article (driving while under the influence of or impaired by alcohol, drugs, *etc.*) (three-year waiting period);
- a person convicted of a misdemeanor (three-year waiting period, but convictions for second-degree assault, common law battery, or a domestically related crime are subject to a five-year waiting period); and
- a person convicted of a felony, other than a crime of violence under § 14-101 of the Criminal Law Article; a crime requiring registration as a sexual offender; a hate crime; or a crime of animal cruelty (five-year waiting period).

With respect to petitions for expungement of a conviction for a misdemeanor or felony, the bill incorporates into § 10-105 many of the provisions contained in § 10-110, including provisions related to (1) victim notification; (2) objections by State’s Attorneys and victims; and (3) items that a court must find and state on the record after a hearing before ordering the expungement of records.

However, the bill does not incorporate the following provisions contained in § 10-110: (1) if a person petitioning for expungement of a conviction is convicted of a new crime during the applicable waiting period, the original conviction is not eligible for expungement until the new conviction becomes eligible for expungement; (2) a person is

not eligible for expungement if the person is a defendant in a pending criminal proceeding; and (3) if a person is not eligible for expungement of one conviction in a unit, the person is not eligible for expungement of any conviction in the unit.

The bill also repeals provisions under § 10-105 that deem a person ineligible for expungement if (1) the person is a defendant in a pending criminal proceeding or (2) the petition is based on a probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person, within three years of the entry of the probation before judgment, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime.

Finally, the bill repeals the requirement that a petitioner for expungement of an acquittal, a *nolle prosequi*, or a dismissal file a general written waiver and release of tort claims arising from the charge if the petitioner wants to expunge the charge prior to the conclusion of the three-year waiting period. Under the bill, these petitions may be filed immediately after the disposition of the charge.

**Current Law:** To begin the process of expungement, a petitioner must file a petition for expungement with the court under § 10-105 or § 10-110 of the Criminal Procedure Article, which establishes eligibility for the expungement of records pertaining to a criminal charge or conviction.

Expungement of a court or police record means removal from public inspection:

- by obliteration;
- by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
- if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

Pursuant to § 10-107 of the Criminal Law Article, if two or more charges, other than one for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit. If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge in the unit. This “unit rule” applies to expungements under §§ 10-105 and 10-110.

### *Section 10-105 of the Criminal Procedure Article*

Under § 10-105 of the Criminal Procedure Article, a person who has been charged with the commission of a crime for which a term of imprisonment may be imposed or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State, under various circumstances listed in the statute. These grounds include acquittal, dismissal of charges, entry of probation before judgment, entry of *nolle prosequi*, stet of charge, and gubernatorial pardon. Individuals convicted of a crime that is no longer a crime, convicted of possession of marijuana under § 5-601 of the Criminal Law Article, or convicted of or found not criminally responsible for specified public nuisance crimes or specified misdemeanors are also eligible for expungement of the associated criminal records under certain circumstances.

In general, a petition for expungement under § 10-105 may not be filed until three years after the disposition, unless the petitioner files a written waiver and release of all tort claims arising from the charge.

A person is not entitled to expungement if (1) subject to a specified exception, the petition is based on the entry of probation before judgment and the person, within three years of the entry of the probation before judgment, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime or (2) the person is a defendant in a pending criminal proceeding.

### *Section 10-110 of the Criminal Procedure Article*

Section 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements. An itemized list of convictions eligible for expungement under § 10-110 is shown in the **Appendix – Convictions Eligible for Expungement**.

In general, a petition for expungement of these convictions is subject to a 10-year waiting period from when the petitioner completed the sentences imposed for all convictions for which expungement is sought, including parole, probation, or mandatory supervision. However, a petition for expungement of a felony or a conviction for misdemeanor second-degree assault, common law battery, or for an offense classified as a domestically related crime under § 6-233 of the Criminal Procedure Article is subject to a 15-year waiting period.

### *Timeline for Expungement*

Maryland’s expungement process for removing an eligible record takes a minimum of 90 days. If a State’s Attorney or victim, as applicable, objects, the court must hold a hearing on the petition. If an objection is not filed within 30 days, as specified, the court must pass an order requiring the expungement of all police and court records concerning the charges. After the court orders are sent to each required agency, each agency has 60 days from receipt to comply with the order.

### *Crimes of Violence*

Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

**Background: Exhibit 1** contains information on the number of petitions for expungement filed in the trial courts from fiscal 2015 through 2019.

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**Exhibit 1**  
**Petitions for Expungement**  
**Fiscal 2015-2019**

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
District Court	32,726	39,706	47,697	62,631	74,508
Circuit Courts	2,448	4,706	6,811	7,909	10,951

Source: Maryland Judiciary

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**Exhibits 2 and 3** contain information from the past three fiscal years on the total number of invalidated warrants, civil offenses with guilty dispositions, cases that contain a single misdemeanor violation, cases with multiple misdemeanor charges, and cases that contain multiple charges consisting of both misdemeanors and felonies. The data excludes

any crimes of violence listed under § 14-101 of the Criminal Law Article, crimes that require a defendant to register on the sex offender registry, hate crimes, and crimes of animal cruelty. The Judiciary advises that it is unclear what is meant by an “invalidated warrant,” as that term was used extensively in the past but is no longer commonly used.

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**Exhibit 2**  
**Warrants and Cases – District Court**  
**Fiscal 2017-2019**

<b>Fiscal Year</b>	<b>Total Number of Warrants Invalidated (Dismissed, Quashed, Recalled, etc. Before Being Served)</b>	<b>Civil Offenses – with Guilty Dispositions</b>	<b>Number of Cases with a Single Misdemeanor Charge (with Exclusions)</b>	<b>Number of Cases with Multiple Charges – All Misdemeanors Charge (with Exclusions)</b>	<b>Number of Cases with Multiple Charges – Misdemeanors and Felonies (with Exclusions)</b>	<b>Total</b>
2017	13,107	10,237	51,007	73,911	8,696*	<b>156,958</b>
2018	13,875	10,073	50,527	72,650	8,320*	<b>155,445</b>
2019	12,717	8,232	52,429	75,296	7,889*	<b>156,563</b>

\*Does not include information from jurisdictions that have not counties not yet implemented the Maryland Electronic Courts System (MDEC). MDEC is not available in Baltimore City and Montgomery and Prince George’s counties.

Source: Judiciary (Administrative Office of the Courts)

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**Exhibit 3**  
**Warrants and Cases – Circuit Courts**  
**Fiscal 2017-2019**

<b>Fiscal Year</b>	<b>Total Number of Warrants Invalidated (Dismissed, Quashed, Recalled, etc. Before Being Served)</b>	<b>Civil Offenses – with Guilty Dispositions</b>	<b>Number of Cases with a Single Misdemeanor Charge (with Exclusions)</b>	<b>Number of Cases with Multiple Charges – All Misdemeanors Charge (with Exclusions)</b>	<b>Number of Cases with Multiple Charges – Misdemeanors and Felonies (with Exclusions)</b>	<b>Total</b>
2017	5,666	2	5,282	12,632	17,145	<b>40,727</b>
2018	4,563	6	4,636	11,232	16,688	<b>37,125</b>
2019	3,980	4	4,199	11,037	15,279	<b>34,499</b>

Source: Maryland Judiciary (Administrative Office of the Courts)

**State Revenues:** General fund revenues increase minimally from filing fees for petitions in the District Court. The District Court and circuit courts charge a \$30 filing fee for a petition to expunge a guilty disposition (conviction), though fee waivers are available.

**State Expenditures:** General fund expenditures increase *significantly* for State agencies to expunge records in accordance with the bill, as discussed below.

*Judiciary*

General fund expenditures for the Judiciary increase significantly to comply with the bill’s provisions, including \$204,768 in fiscal 2021 for computer reprogramming and *significant* expenditures for additional personnel, as discussed below.

The Judiciary advises that the bill’s expansion of expungement eligibility and changes to the expungement statute, including the removal of disqualifying factors and acceleration of timelines for filing a petition, has the potential to cause a significant impact on the courts, especially during the initial period of implementation.

Based on preliminary estimates using an average of the three years of data featured in Exhibits 2 and 3, and assuming that 70% of eligible individuals will petition for

expungement, the Judiciary advises that it needs 168 clerks, (136 District and 32 circuit) at a cost of \$9.3 million in fiscal 2021, increasing to \$11.9 million by fiscal 2025.

#### *Department of Public Safety and Correctional Services*

The Department of Public Safety and Correctional Services (DPSCS) advises that its Criminal Justice Information System (CJIS) has received the following number of expungement orders from courts during the past three years: 48,848 in fiscal 2017; 69,771 in fiscal 2018; and 72,925 in fiscal 2019. While the workload for CJIS has increased, the unit has not experienced a corresponding increase in staffing. DPSCS advises that it requires one additional administrative employee for every 2,500 additional orders for expungement it receives. The cost associated with one additional administrative position is \$56,700 in fiscal 2021 and increases to \$73,000 by fiscal 2025.

#### *Department of State Police*

The Department of State Police (DSP) advises that the bill's expansion of eligibility for expungement, especially its application to older records, requires additional resources, including the creation of a nine-person expungement unit, at a cost of \$443,500 in fiscal 2021, increasing to \$564,200 by fiscal 2025. However, DSP acknowledges that future cases will not be as burdensome; thus, the need for personnel may decrease after newly eligible petitioners complete the expungement process and volume stabilizes. Also, with respect to previous legislation, DSP has noted that if it is complying with a court order that already includes information to identify the applicable case record (as in the current petition-based process), the expungement process is not as burdensome on the department as procedures that require the department to proactively search through and identify eligible files (which this bill does not require).

#### *Maryland State Archives*

The Maryland State Archives (MSA) is the repository for older records, including court records and DSP records. While the bill's application to more recent and future records does not affect MSA operations, MSA operations could be affected if the bill's expansion of eligibility for expungement result in a significant volume of requests for older records. MSA has historically advised that while a modest increase in expungements of MSA records can be accommodated using existing resources, a significant increase in expungements may result in a future need for additional personnel.

The Department of Legislative Services (DLS) agrees that implementation and compliance costs are significant for the above agencies. However, based on the information available at the time of publication of this fiscal and policy note, DLS is unable to independently

verify the specific staffing needs and associated costs of the affected agencies. While the significant increase in costs cannot be quantified at this time, costs may total several million dollars annually.

### *State Insurance Trust Fund*

Special fund expenditures for SITF may increase. The bill authorizes the immediate filing of a petition for expungement based on an acquittal, a *nolle prosequi*, or a dismissal and repeals the current statutory requirement that a petitioner who wishes to file a petition to expunge these dispositions wait three years after the disposition, unless the petitioner agrees to a general waiver and release of all the petitioner's tort claims arising from the charge.

The three-year waiting period for expungements for acquittal, *nolle prosequi*, and dismissal dispositions under existing statute is related to the three-year statute of limitations for civil causes of action. If a police and/or court record is expunged prior to receipt or notification of a claim under the Maryland Tort Claims Act (MTCA) by the Treasurer's Office, then the Treasurer's Office may encounter difficulties in investigating claims or may have to pay higher amounts for these claims as a result of hindered investigations, if it is not permitted to access the expunged records under the provisions of § 10-108 of the Criminal Procedure Article. In general, under § 10-108, a person is prohibited from opening or reviewing an expunged record or disclosing information from that record to another person without a court order from the court that ordered the record expunged. A court may order the opening or review of an expunged record or the disclosure of information from that record (1) after notice to the person whom the record concerns, a hearing, and the showing of good cause or (2) if an *ex parte* order involving a specified petition from a State's Attorney that a law enforcement agency unit needs the record for a pending criminal investigation and the investigation will be jeopardized or life or property will be endangered without immediate access to the record.

False imprisonment by law enforcement is an example of the type of MTCA claim that may be related to an expunged record. Claims under MTCA are paid out of SITF, which is administered by the Treasurer's Office. Agencies pay premiums to SITF that are comprised of an assessment for each employee covered and SITF payments for torts committed by the agency's employees.

**Local Expenditures:** Local expenditures and/or workloads, which vary by jurisdiction, may increase for affected local agencies to comply with the bill's requirements. State's Attorneys respond to petitions for expungement and local police departments must comply with court orders for expungement. Local government expenditures may increase further should the bill's provisions regarding expungements available immediately

following disposition of a charge affect litigation of claims against local entities, including local law enforcement.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Garrett, and Montgomery counties; Maryland Association of Counties; City of Laurel; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Maryland State Archives; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2020  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

## Appendix – Convictions Eligible for Expungement

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### Convictions Eligible for Expungement under Section 10-110 of the Criminal Procedure Article

#### Misdemeanors Eligible for Expungement

##### Alcoholic Beverages Article

AB, § 6-320 – Disorderly Intoxication

##### Business Occupations and Professions Article

BOP, § 17-613(a): Crimes relating to real estate brokers and agents (*e.g.*, failure to deposit money in trust accounts, engaging in discriminatory real estate practices, acting as a dual agent, providing brokerage services without a license, *etc.*)

##### Business Regulation Article

BR, § 5-610: Violation of Business Regulation Article, Title 5, Subtitle 6 (perpetual care of cemeteries)

BR, § 5-712: Failure to deposit money received under or in connection with a preneed burial contract

BR, § 5-904: Violation of any provision of Title 5, Subtitle 9 of the Business Regulation Article (cemetery-related violations – failure to register as operator, operating a cemetery without the proper form of business entity, and unauthorized representations)

BR, § 19-304: Violations of laws relating to returnable containers and returnable textiles (improper use, improper registration, defacing, *etc.*)

BR, § 19-308: Violations of laws relating to plastic secondary packaging

##### Courts and Judicial Proceedings Article

CJ, § 3-1508: Failure to comply with a peace order

CJ, § 10-402: Divulging contents of communications (subsection (d))

##### Commercial Law Article

CL, § 14-1915: Violations of the Maryland Credit Services Businesses Act

CL, § 14-2902: False and fraudulent advertising

CL, § 14-2903: Bait and switch

## Criminal Procedure Article

CP, § 5-211: Failure to surrender after forfeiture of bail or recognizance

## Criminal Law Article

CR, § 3-203: Assault in the second degree (misdemeanor)

CR, § 3-808: Filing a fraudulent lien or encumbrance

CR, § 5-601: Possession or administration of a controlled dangerous substance (not involving use or possession of marijuana)

CR, § 5-618: Possession or purchase of noncontrolled substance that the person reasonably believes is a controlled substance

CR, § 5-619: Use or possession of drug paraphernalia

CR, § 5-620: Obtaining, possessing, or distributing controlled paraphernalia

CR, § 5-703: Unsolicited mailing of a controlled dangerous substance, prescription drug, or medicine

CR, § 5-708: Smelling or inhaling harmful substances

CR, § 5-902: Omitting, removing, altering, or obliterating a symbol required by federal law for a substance governed by Title 5 of the Criminal Law Article (controlled dangerous substance (CDS), prescriptions, and other substances); refusal or failure to maintain specified documentation required under Title 5; refusing entry into a premises or inspection of a premises authorized under Title 5), maintaining a place resorted to by others for illegal use of CDS or for the keeping or selling of a CDS; unauthorized manufacturing, dispensing, or distribution of CDS by a registrant; CDS/paraphernalia-related violations by authorized provider; and contraband

CR, § 6-105: Malicious burning of personal property in the second degree

CR, § 6-108: Willful and malicious burning of a trash container

CR, § 6-206: Breaking and entering a motor vehicle – rogue and vagabond

CR, § 6-303: Public utility interference – electrical equipment

CR, § 6-306: Alteration of manufacturer's serial number or sale of good with altered serial number

CR, § 6-307: Sale or possession of stolen serial number or vehicle identification plate or possession of a manufactured serial number or vehicle identification plate with intent to affix to stolen property or use for fraudulent purposes

CR, § 6-402: Trespass on posted property

CR, § 6-503: Unauthorized riding on railroad vehicle or unauthorized entry onto railroad property

CR, § 7-104: General theft (less than \$100 and at least \$100 but less than \$1,500)

CR, § 7-203: Unauthorized removal of property

CR, § 7-205: Abandonment of or failure to return leased or rented motor vehicle

CR, § 7-304: Obtaining telephone records without authorization

CR, § 7-308: Prohibited transfer of recorded sounds or images (penalty contained in CR, § 7-309)

CR, § 8-103: Obtaining property or services by bad check (less than \$100 and at least \$100 but less than \$1,500)

CR, § 8-206: Misdemeanor credit card crimes (less than \$100 and at least \$100 but less than \$1,500)

CR, § 8-401: Fraudulent conversion of partnership assets

CR, § 8-402: Fraudulent misrepresentation by corporate officer or agent

CR, § 8-404: Pyramid promotional schemes

CR, § 8-406: Misuse of documents of title

CR, § 8-408: Unlawful subleasing of motor vehicle

CR, § 8-503: Public assistance fraud – generally

CR, § 8-521: Fraudulently obtaining legal representation from the Office of the Public Defender

CR, § 8-523: Housing assistance fraud, making false statements

CR, § 8-904: Racing a horse under a name other than its registered name

CR, § 9-204: Bribing a person participating in or connected with an athletic contest

CR, § 9-205: Acceptance of a bribe by a person participating in or connected with an athletic contest

CR, § 9-503: Making a false statement to a State or local official/agency concerning a crime or hazard

CR, § 9-506: Making a false statement on an application for funds from the Maryland Higher Education Commission

CR, § 10-110: Illegal Dumping and Violation of Litter Control Law

CR, § 10-201: Disturbing the peace and disorderly conduct

CR, § 10-402: Unlawful removing or attempting to remove human remains from burial site

CR, § 10-404: Removal or destruction of funerary objects, graveyard plants, disorderly conduct in graveyards

CR, § 10-502: Bigamy (listed as a misdemeanor but is a felony)

CR, § 11-303: Engaging in prostitution

CR, § 11-306: Procuring or solicitation of prostitution or assignation

CR, § 11-307: Using a building, structure, or conveyance for prostitution or assignation

CR, § 12-102: Betting, wagering, gambling, *etc.*; pool on races/contests

CR, § 12-103: Playing specified games for money (*e.g.*, craps, thimbles, *etc.*)

CR, § 12-104: Keeping a gaming device or a place for gambling

CR, § 12-105: Offshore gambling

CR, § 12-109: Prearrangement or predetermination of horse race results

CR, § 12-203: Holding a lottery or selling a lottery device

CR, § 12-204: Keeping a location for the sale or barter of lottery devices

CR, § 12-205: Importing a lottery device or possession of lottery records or money

CR, § 12-302: Unlawful possession or operation of a slot machine

## Election Law Article

EL, § 13-401: Failure to comply with authority line requirements in campaign material

EL, § 13-602: Specified campaign finance/election-related violations (*e.g.*, providing money/aid or a thing of value to induce or procure a vote, influence by employer of employee's vote, *etc.*)

EL, § 16-201: Voting-related offenses (*e.g.*, impersonation of another in order to vote, voting under a false name, *etc.*)

## Family Law Article

FL, § 4-509: Failure to comply with protective order

## Health General Article

HG, § 18-215: Violations relating to infectious or contagious disease reports

## Housing and Community Development Article

HCD, § 4-411: Making a false statement or report to the Department of Housing and Community Development (DHCD) for Rental Housing Program loan

HCD, § 4-2005: Making a false statement or report to DHCD for Energy-Efficient Homes Construction Loan Program loan

## Insurance Article (fraudulent insurance acts)

IN, § 27-403: Failure to return premiums, making false or misleading claims to an insurer

IN, § 27-404: Insurer doing business with unlicensed persons

IN, § 27-405: Representations to public by unlicensed persons

IN, § 27-406: False applications and statements; unregulated insurers

IN § 27-406.1: Fraudulent insurance acts of individual sureties

IN, § 27-407: Solicitation of injured persons; solicitation of clients for lawyer or health care practitioner

IN, § 27-407.1: Organizing, planning, or knowingly participating in an intentional motor vehicle accident

IN, § 27-407.2: Compensation for insurance deductible

## Natural Resources Article

NR, § 8-725.4: Speed limits on the Severn River imposed on specified days from April 15, 1989, to October 15, 1989  
NR, § 8-725.5: Noise levels for vessels operated in tidal waters  
NR, § 8-725.6: Speed limit on Seneca Creek  
NR, § 8-725.7: Speed limit on certain areas of Monocacy River  
NR, § 8-726: Throwing or dumping refuse on waters of the State  
NR, § 8-726.1: Throwing specified types of waste on certain waters of the State  
NR, § 8-727.1: Use of flashing red and yellow lights or signal devices  
NR, § 8-738.2: Operating a vessel in a reckless or dangerous manner  
Any prohibited act related to speed limits for personal watercraft

## Public Safety Article

PS, § 5-307: Scope of handgun permit (listed in statute but is not a crime)  
PS, § 5-308: Possession of handgun permit required  
PS, § 6-602: Interference or obstruction of fire marshal, false representation as a fire marshal  
PS, § 7-402: Interference, obstruction of fire or emergency services personnel  
PS, § 14-114: Violation of order, rule, or regulation issued under Maryland Emergency Management Agency Act

## Real Property Article

RP, § 7-318.1: Failure of foreclosure consultant to obtain a real estate broker's license or violation by foreclosure consultant of Maryland Real Estate Brokers Act  
RP, § 7-509: Does not refer to a prohibited act – penalty provision for violations of provisions of Maryland Mortgage Assistance Relief Services Act  
RP, § 10-507: Violation of Custom Home Protection Act (subsection (b)(3))

## State Government Article

SG, § 9-124: Prohibited acts relating to State lottery

## Tax General

TG, § 13-1001: Willful failure to file tax return  
TG, § 13-1004: Income tax preparer – false return, false claim for refund, or attempted tax evasion  
TG, § 13-1007: Violations of income tax withholding requirements  
TG, § 13-1024: Failure to provide information with intent to evade taxes

## Common Law Offenses

Affray  
Battery  
Criminal contempt  
Hindering a law enforcement officer  
Rioting

## **Felonies Eligible for Expungement**

### Criminal Law Article

CR, § 7-104: General Theft (at least \$1,500)  
CR, § 5-602(2): Possession with intent to distribute a controlled dangerous substance  
CR, § 6-202(a): Burglary in the first degree – breaking and entering with intent to commit theft  
CR, § 6-203: Burglary in the second degree  
CR, § 6-204: Burglary in the third degree

An attempt, conspiracy, or solicitation of any offense listed above is also eligible for expungement under CP, § 10-110