

HOUSE BILL 304

E2
HB 372/03 – JUD

5lr1460
CF 5lr2516

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

A BILL ENTITLED

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 and the person, since the disposition, has been convicted of
6 a crime other than a minor traffic violation; and generally relating to expungement
7 of records.

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

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 10–105.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 (ii)] the person[:

10 1. since the full and unconditional pardon, entry, finding of
11 not criminally responsible, or conviction has been convicted of a crime other than a minor
12 traffic violation; or

13 2.] is a defendant in a pending criminal proceeding.

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