

# SENATE BILL 652

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CF HB 304

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By: **Senators Muse, Benson, Currie, McFadden, and Waugh**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records**

3 FOR the purpose of ~~repealing~~ altering a provision of law that provides that a person is not  
4 entitled to expungement of the person's record if the petition for expungement is  
5 based on a certain case disposition and the person, since the disposition, has been  
6 convicted of a crime other than a minor traffic violation or is a defendant in a pending  
7 criminal proceeding; establishing a certain exception to a provision of law that  
8 provides a person is not entitled to an expungement under certain circumstances;  
9 and generally relating to expungement of records.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Procedure  
12 Section 10–105(e)  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2014 Supplement)

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

17 **Article – Criminal Procedure**

18 10–105.

19 (e) (1) If the State's Attorney files a timely objection to the petition, the court  
20 shall hold a hearing.

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

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

6 ~~¶~~(4) The person is not entitled to expungement if:

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

12 (ii) the person:

13 1. since the full and unconditional pardon, entry, **OR** finding  
 14 of not criminally responsible, ~~or conviction~~ has been convicted of a crime other than:

15 **A.** a minor traffic violation; **OR**

16 **B.** **A CRIME WHERE THE ACT ON WHICH THE CONVICTION**  
 17 **WAS BASED IS NO LONGER A CRIME;** or

18 2. is a defendant in a pending criminal proceeding. ~~¶~~

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.