

Chapter 21

(House Bill 83 of the 2020 Regular Session)

AN ACT concerning

**Criminal Procedure – ~~Automatic Expungement – Possession of Marijuana~~  
Charge of Possession of Marijuana – Removal From Case Search**

FOR the purpose of ~~requiring all court records and police records relating to certain charges of possession of marijuana to be automatically expunged on or before certain dates under certain circumstances; requiring a certain court to initiate efforts to automatically expunge all court records and police records relating to a certain charge at a certain time; defining a certain term;~~ prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of a certain case in which possession of marijuana is the only charge in the case and the charge was disposed of before a certain date; providing for a delayed effective date; and generally relating to ~~expungement~~ charges of possession of marijuana.

BY adding to

Article – Criminal Procedure

Section ~~10-105.1~~ 10-111

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

**Article – Criminal Procedure**

~~10-105.1.~~

~~(A) IN THIS SECTION, “AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT WITHOUT THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS TO BE EXPUNGED.~~

~~(B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE POSSESSION OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2022.~~

~~(C) NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE~~

~~OCTOBER 1, 2020, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2028.~~

~~(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED ON OR AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:~~

~~(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE; AND~~

~~(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90 DAYS AFTER DISPOSITION.~~

10-111.

THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO THE EXISTENCE OF A DISTRICT COURT CRIMINAL CASE IN WHICH:

(1) POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE IS THE ONLY CHARGE IN THE CASE; AND

(2) THE CHARGE WAS DISPOSED OF BEFORE OCTOBER 1, 2014.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2020~~ January 1, 2021.

Gubernatorial Veto Override, February 12, 2021.