

HOUSE BILL 122

E2

(PRE-FILED)

2lr1053
CF 2lr1052

By: **Delegate W. Fisher**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement of Records – Expansion**

3 FOR the purpose of expanding the scope of a certain provision of law requiring the
4 expungement of certain police and court records relating to the charging of a certain
5 crime or civil offense if no charge in the case resulted in a certain disposition and
6 altering the charges to which it applies; and generally relating to expungement of
7 records.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 10–105.1 and 10–105.2
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 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 10–105.1.

17 (a) [Beginning October 1, 2021] **FOR A CHARGE DISPOSED OF ON OR AFTER**
18 **OCTOBER 1, 2018**, any police record, court record, or other record maintained by the State
19 or a political subdivision of the State relating to the charging of a crime or a civil offense
20 under § 5–601(c)(2)(ii) of the Criminal Law Article, including a must–appear violation of
21 the Transportation Article, shall be expunged 3 years after a disposition of the charge if no
22 charge in the case resulted in a disposition other than:

23 (1) acquittal;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) dismissal;

2 (3) not guilty; [or]

3 (4) nolle prosequi, except nolle prosequi with a requirement of drug or
4 alcohol treatment;

5 **(5) PROBATION BEFORE JUDGMENT, IF ALL COURT-ORDERED**
6 **CONDITIONS OF THE PROBATION BEFORE JUDGMENT DISPOSITION HAVE BEEN**
7 **SATISFIED; OR**

8 **(6) STET, IF ALL COURT-ORDERED CONDITIONS OF THE STET**
9 **DISPOSITION HAVE BEEN SATISFIED.**

10 (b) For a case described in subsection (a) of this section, the court shall send notice
11 of the disposition of each charge in the case and the date on which expungement is required
12 to:

13 (1) the Central Repository;

14 (2) each booking facility, law enforcement unit, and other unit of the State
15 and political subdivision of the State that the court believes may have a record subject to
16 expungement under this section; and

17 (3) the person entitled to expungement.

18 10-105.2.

19 (a) Subject to subsection (b) of this section, after disposition of all charges in a
20 case involving a criminal offense or a civil offense under § 5-601(c)(2)(ii) of the Criminal
21 Law Article, including a must-appear violation of the Transportation Article, the court
22 shall notify the defendant of the defendant's right to expungement under § 10-105 of this
23 subtitle if no charge in the case resulted in a disposition other than:

24 (1) acquittal;

25 (2) dismissal;

26 (3) not guilty; [or]

27 (4) nolle prosequi, except nolle prosequi with a requirement of drug or
28 alcohol treatment;

29 **(5) PROBATION BEFORE JUDGMENT, IF ALL COURT-ORDERED**
30 **CONDITIONS OF THE PROBATION BEFORE JUDGMENT DISPOSITION HAVE BEEN**

1 **SATISFIED; OR**

2 **(6) STET, IF ALL COURT-ORDERED CONDITIONS OF THE STET**
3 **DISPOSITION HAVE BEEN SATISFIED.**

4 (b) (1) If the defendant is not present in court for the disposition, the court
5 shall notify the defendant by mail.

6 (2) The notice provided under this section shall include a written form for
7 general waiver and release of all tort claims relating to the charge or charges eligible for
8 expungement under § 10–105 of this subtitle.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.