

SENATE BILL 26

E2

2lr1085

(PRE-FILED)

By: **Senators Waldstreicher and Carter**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 3, 2022

CHAPTER _____

1 AN ACT concerning

2 **Automatic Expungement – Clarification**

3 FOR the purpose of clarifying the language of a provision of law requiring the expungement
4 of certain records maintained by the State or a political subdivision of the State
5 relating to the charging of certain offenses under certain circumstances; and
6 generally relating to expungement.

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

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

14 **Article – Criminal Procedure**

15 10–105.1.

16 (a) Beginning October 1, 2021, any police record, court record, or other record
17 maintained by the State or a political subdivision of the State relating to the charging of a
18 [crime or a] civil offense under § 5–601(c)(2)(ii) of the Criminal Law Article[, including a
19 must-appear violation of the Transportation Article,] **OR A CRIME OTHER THAN A**

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 **VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH THE DEFENDANT IS NOT**
2 **REQUIRED TO APPEAR** shall be expunged 3 years after a disposition of the charge if no
3 charge in the case resulted in a disposition other than:

- 4 (1) acquittal;
- 5 (2) dismissal;
- 6 (3) not guilty; or
- 7 (4) nolle prosequi, except nolle prosequi with a requirement of drug or
8 alcohol treatment.

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

- 12 (1) the Central Repository;
- 13 (2) each booking facility, law enforcement unit, and other unit of the State
14 and political subdivision of the State that the court believes may have a record subject to
15 expungement under this section; and
- 16 (3) the person entitled to expungement.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.