

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 26

(Senators Waldstreicher and Carter)

Judicial Proceedings

Judiciary

Automatic Expungement - Clarification

This bill clarifies language enacted under Chapter 680 of 2021 regarding automatic expungements of records pertaining to criminal charges in cases meeting specified criteria.

Fiscal Summary

State Effect: None. The bill does not substantively change State activities or operations. The Judiciary advises that the bill rearranges existing statutory language and does not alter eligibility for automatic expungements under Chapter 680 of 2021.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Pursuant to Chapter 680 of 2021, beginning October 1, 2021, any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of *a crime or a civil offense under § 5-601 (c)(2)(ii) of the Criminal Law Article (possession of less than 10 grams of marijuana)*, including a *must-appear violation of the Transportation Article*, must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than acquittal; dismissal; not guilty; or *nolle prosequi*, other than *nolle prosequi* with a requirement of drug or alcohol treatment.

The bill clarifies that these provisions apply to a *civil offense under § 5-601(c)(2)(ii) of the Criminal Law Article or a crime other than a violation of the Transportation Article for which the defendant is not required to appear.*

Chapter 680 also contained specified notice requirements, which the bill does not alter.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Washington Suburban Sanitary Commission; towns of Bel Air and Leonardtown; Comptroller's Office; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2022
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