

# SENATE BILL 602

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CF HB 658

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By: **Senators McKay, Muse, Sydnor, Smith, Kelly, Waldstreicher, West, and Carter**  
Introduced and read first time: January 26, 2024  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse**  
3 **Actions**  
4 **(Clean Slate Act of 2024)**

5 FOR the purpose of altering certain provisions of law relating to waiting periods for the  
6 filing of certain petitions for expungement to authorize the filing of a petition a  
7 certain amount of time after the completion of the sentence; providing that refusal  
8 by a person to disclose information about criminal charges that have been expunged  
9 may not be the sole reason for a unit, an official, or an employee of the State or a  
10 political subdivision of the State to deny the person’s application for a license, permit,  
11 registration, or government service or for an educational institution to expel or refuse  
12 to admit the person; establishing procedures for and requirements relating to the  
13 automated expungement of certain clean slate eligible charges; requiring the  
14 Department of Public Safety and Correctional Services to conduct certain publicity  
15 campaigns, disseminate certain information, and provide a certain digital service;  
16 and generally relating to expungement.

17 BY repealing and reenacting, without amendments,  
18 Article – Criminal Procedure  
19 Section 10–105(a) and (e) and 10–110(a) and (d)  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Criminal Procedure  
24 Section 10–105(c), 10–109, and 10–110(c)  
25 Annotated Code of Maryland  
26 (2018 Replacement Volume and 2023 Supplement)

27 BY adding to  
28 Article – Criminal Procedure

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Section 10–113  
2 Annotated Code of Maryland  
3 (2018 Replacement Volume and 2023 Supplement)

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

6 **Article – Criminal Procedure**

7 10–105.

8 (a) A person who has been charged with the commission of a crime, including a  
9 violation of the Transportation Article for which a term of imprisonment may be imposed,  
10 or who has been charged with a civil offense or infraction, except a juvenile offense, may  
11 file a petition listing relevant facts for expungement of a police record, court record, or other  
12 record maintained by the State or a political subdivision of the State if:

13 (1) the person is acquitted;

14 (2) the charge is otherwise dismissed;

15 (3) a probation before judgment is entered, unless the person is charged  
16 with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211  
17 of the Criminal Law Article;

18 (4) a nolle prosequi or nolle prosequi with the requirement of drug or  
19 alcohol treatment is entered;

20 (5) the court indefinitely postpones trial of a criminal charge by marking  
21 the criminal charge “stet” or stet with the requirement of drug or alcohol abuse treatment  
22 on the docket;

23 (6) the case is compromised under § 3–207 of the Criminal Law Article;

24 (7) the charge was transferred to the juvenile court under § 4–202 of this  
25 article;

26 (8) the person:

27 (i) is convicted of only one criminal act, and that act is not a crime  
28 of violence; and

29 (ii) is granted a full and unconditional pardon by the Governor;

30 (9) the person was convicted of a crime or found not criminally responsible  
31 under any State or local law that prohibits:

- 1 (i) urination or defecation in a public place;
- 2 (ii) panhandling or soliciting money;
- 3 (iii) drinking an alcoholic beverage in a public place;
- 4 (iv) obstructing the free passage of another in a public place or a  
5 public conveyance;
- 6 (v) sleeping on or in park structures, such as benches or doorways;
- 7 (vi) loitering;
- 8 (vii) vagrancy;
- 9 (viii) riding a transit vehicle without paying the applicable fare or  
10 exhibiting proof of payment; or
- 11 (ix) except for carrying or possessing an explosive, acid, concealed  
12 weapon, or other dangerous article as provided in § 7–705(b)(6) of the Transportation  
13 Article, any of the acts specified in § 7–705 of the Transportation Article;
- 14 (10) the person was found not criminally responsible under any State or  
15 local law that prohibits misdemeanor:
- 16 (i) trespass;
- 17 (ii) disturbing the peace; or
- 18 (iii) telephone misuse;
- 19 (11) except as provided in subsection (a–1) of this section, the person was  
20 convicted of a crime and the act on which the conviction was based is no longer a crime;
- 21 (12) the person was convicted of possession of cannabis under § 5–601 of the  
22 Criminal Law Article; or
- 23 (13) the person was convicted of a crime and the conviction was vacated  
24 under § 8–302 of this article.
- 25 (c) (1) Except as provided in paragraph (2) of this subsection, a petition for  
26 expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within  
27 3 years after the disposition, unless the petitioner files with the petition a written general  
28 waiver and release of all the petitioner’s tort claims arising from the charge.

1           (2) A petition for expungement based on a probation before judgment or a  
2 stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than  
3 the later of:

4           (i) the date the petitioner was discharged from probation or the  
5 requirements of obtaining drug or alcohol abuse treatment were completed; or

6           (ii) 3 years after the probation was granted or stet with the  
7 requirement of drug or alcohol abuse treatment was entered on the docket.

8           (3) A petition for expungement based on a nolle prosequi with the  
9 requirement of drug or alcohol treatment may not be filed until the completion of the  
10 required treatment.

11           (4) A petition for expungement based on a full and unconditional pardon  
12 by the Governor may not be filed later than 10 years after the pardon was signed by the  
13 Governor.

14           (5) Except as provided in paragraph (2) of this subsection, a petition for  
15 expungement based on a stet or a compromise under § 3–207 of the Criminal Law Article  
16 may not be filed within 3 years after the stet or compromise.

17           (6) A petition for expungement based on the conviction of a crime under  
18 subsection (a)(9) of this section may not be filed within 3 years after the [conviction or  
19 satisfactory] completion of the sentence[, including probation, that was imposed for the  
20 conviction, whichever is later].

21           (7) A petition for expungement based on a finding of not criminally  
22 responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years  
23 after the finding of not criminally responsible was made by the court.

24           (8) A petition for expungement based on the conviction of a crime under  
25 subsection (a)(12) of this section may not be filed before [satisfactory] completion of the  
26 sentence[, including probation, that was imposed for the conviction].

27           (9) A court may grant a petition for expungement at any time on a showing  
28 of good cause.

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

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

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

1 (4) The person is not entitled to expungement if:

2 (i) the petition is based on the entry of probation before judgment,  
3 except a probation before judgment for a crime where the act on which the conviction is  
4 based is no longer a crime, and the person within 3 years of the entry of the probation before  
5 judgment has been convicted of a crime other than a minor traffic violation or a crime where  
6 the act on which the conviction is based is no longer a crime; or

7 (ii) the person is a defendant in a pending criminal proceeding.

8 10–109.

9 (a) (1) Disclosure of expunged information about criminal charges in an  
10 application, interview, or other means may not be required:

11 (i) by an employer or educational institution of a person who applies  
12 for employment or admission; or

13 (ii) by a unit, official, or employee of the State or a political  
14 subdivision of the State of a person who applies for a license, permit, registration, or  
15 governmental service.

16 (2) A person need not refer to or give information concerning an expunged  
17 charge when answering a question concerning:

18 (i) a criminal charge that did not result in a conviction; or

19 (ii) a conviction that the Governor pardoned.

20 (3) Refusal by a person to disclose information about criminal charges that  
21 have been expunged may not be the sole reason for:

22 (i) an employer to discharge or refuse to hire the person; [or]

23 (ii) a unit, official, or employee of the State or a political subdivision  
24 of the State to deny the person's application **FOR A LICENSE, PERMIT, REGISTRATION,**  
25 **OR GOVERNMENTAL SERVICE; OR**

26 **(III) AN EDUCATIONAL INSTITUTION TO EXPEL OR REFUSE TO**  
27 **ADMIT THE PERSON.**

28 (b) (1) A person who violates this section is guilty of a misdemeanor and on  
29 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year  
30 or both for each violation.

1           (2) In addition to the penalties provided in paragraph (1) of this subsection,  
2 an official or employee of the State or a political subdivision of the State who is convicted  
3 under this section may be removed or dismissed from public service.

4 10–110.

5           (a) A person may file a petition listing relevant facts for expungement of a police  
6 record, court record, or other record maintained by the State or a political subdivision of  
7 the State if the person is convicted of:

8           (1) a misdemeanor that is a violation of:

9           (i) § 6–320 of the Alcoholic Beverages and Cannabis Article;

10           (ii) an offense listed in § 17–613(a) of the Business Occupations and  
11 Professions Article;

12           (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of  
13 the Business Regulation Article;

14           (iv) § 3–1508 or § 10–402 of the Courts Article;

15           (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law  
16 Article;

17           (vi) § 5–211 of this article;

18           (vii) § 3–203 or § 3–808 of the Criminal Law Article;

19           (viii) § 5–601 not involving the use or possession of cannabis, §  
20 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law  
21 Article;

22           (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §  
23 6–301, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;

24           (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the  
25 Criminal Law Article;

26           (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §  
27 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;

28           (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;

29           (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the  
30 Criminal Law Article;

1 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;

2 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §  
3 12–204, § 12–205, or § 12–302 of the Criminal Law Article;

4 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;

5 (xvii) § 4–509 of the Family Law Article;

6 (xviii) § 18–215 of the Health – General Article;

7 (xix) § 4–411 or § 4–2005 of the Housing and Community Development  
8 Article;

9 (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, §  
10 27–407.1, or § 27–407.2 of the Insurance Article;

11 (xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, §  
12 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed  
13 limits for personal watercraft;

14 (xxii) § 10–301, § 10–306, § 10–308.1, § 10–413(e)(1), § 10–418, §  
15 10–502, § 10–611, or § 10–907(a) of the Natural Resources Article;

16 (xxiii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public  
17 Safety Article;

18 (xxiv) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;

19 (xxv) § 9–124 of the State Government Article;

20 (xxvi) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax –  
21 General Article;

22 (xxvii) § 16–303 of the Transportation Article; or

23 (xxviii) the common law offenses of affray, rioting, criminal  
24 contempt, battery, or hindering;

25 (2) a felony that is a violation of:

26 (i) § 7–104 of the Criminal Law Article;

27 (ii) the prohibition against possession with intent to distribute a  
28 controlled dangerous substance under § 5–602 of the Criminal Law Article; or

29 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

1 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item  
2 (1) or (2) of this subsection.

3 (c) (1) Except as otherwise provided in this subsection, a petition for  
4 expungement under this section may not be filed earlier than 5 years after the [person  
5 satisfies the sentence or sentences imposed for all convictions for which expungement is  
6 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**  
7 **SENTENCE.**

8 (2) A petition for expungement for a violation of § 3–203 of the Criminal  
9 Law Article or common law battery may not be filed earlier than 7 years after the [person  
10 satisfies the sentence or sentences imposed for all convictions for which expungement is  
11 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**  
12 **SENTENCE.**

13 (3) A petition for expungement for an offense classified as a domestically  
14 related crime under § 6–233 of this article may not be filed earlier than 15 years after the  
15 [person satisfies the sentence or sentences imposed for all convictions for which  
16 expungement is requested, including parole, probation, or mandatory supervision]  
17 **COMPLETION OF THE SENTENCE.**

18 (4) Except as provided in paragraphs (5) and (6) of this subsection, a  
19 petition for expungement of a felony may not be filed earlier than 7 years after the [person  
20 satisfies the sentence or sentences imposed for all convictions for which expungement is  
21 requested, including parole, probation, or mandatory supervision] **COMPLETION OF THE**  
22 **SENTENCE.**

23 (5) A petition for expungement of a conviction of possession with intent to  
24 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than  
25 3 years after the [person satisfies the sentence or sentences imposed for all convictions for  
26 which expungement is requested, including parole, probation, or mandatory supervision]  
27 **COMPLETION OF THE SENTENCE.**

28 (6) A petition for expungement of a conviction for § 6–202(a), § 6–203, or a  
29 felony that is a violation of § 7–104 of the Criminal Law Article may not be filed earlier  
30 than 10 years after the [person satisfies the sentence or sentences imposed for all  
31 convictions for which expungement is requested, including parole, probation, or mandatory  
32 supervision] **COMPLETION OF THE SENTENCE.**

33 (d) (1) If the person is convicted of a new crime during the applicable time  
34 period set forth in subsection (c) of this section, the original conviction or convictions are  
35 not eligible for expungement unless the new conviction becomes eligible for expungement.

36 (2) A person is not eligible for expungement if the person is a defendant in  
37 a pending criminal proceeding.







1 (III) STATE WITH SPECIFICITY THE BASIS FOR THE OBJECTION IN  
2 ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

3 (3) A PROSECUTING AGENCY MAY MAKE AN OBJECTION UNDER THIS  
4 SUBSECTION ON THE BASIS THAT:

5 (I) THE PROSECUTING AGENCY BELIEVES THAT THE CHARGE IS  
6 NOT, IN FACT, CLEAN SLATE ELIGIBLE; OR

7 (II) THE PROSECUTING AGENCY HAS REASONABLE BELIEF,  
8 GROUNDED IN SUPPORTING FACTS, THAT THE INDIVIDUAL WHO IS THE SUBJECT OF  
9 THE CHARGE IS CONTINUING TO ENGAGE IN CRIMINAL ACTIVITY, WHETHER  
10 CHARGED OR NOT CHARGED, WITHIN OR OUTSIDE THE STATE.

11 (D) (1) IF THE PROSECUTING AGENCY TIMELY FILES AN OBJECTION TO  
12 THE EXPUNGEMENT OF A CHARGE UNDER SUBSECTION (C) OF THIS SECTION, THE  
13 CHARGE IN QUESTION SHALL BE REMOVED FROM THE PENDING LIST OF CLEAN  
14 SLATE ELIGIBLE CHARGES.

15 (2) IF THE PROSECUTING AGENCY OBJECTED TO THE EXPUNGEMENT  
16 OF A CHARGE UNDER SUBSECTION (C)(3)(II) OF THIS SECTION, AFTER A PERIOD OF  
17 1 YEAR, THE CHARGE MAY AGAIN BE IDENTIFIED AS CLEAN SLATE ELIGIBLE IF THE  
18 PROSECUTING AGENCY HAS TAKEN NO FURTHER ACTION AGAINST THE INDIVIDUAL  
19 THAT WOULD OTHERWISE RENDER THE CHARGE NOT CLEAN SLATE ELIGIBLE.

20 (3) A PROSECUTING AGENCY MAY NOT OBJECT MORE THAN ONCE TO  
21 THE EXPUNGEMENT OF ANY ONE CHARGE BASED ON SUBSECTION (C)(3)(II) OF THIS  
22 SECTION.

23 (E) (1) ON THE 46TH DAY AFTER THE DEPARTMENT TRANSMITS THE  
24 NOTICE DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT  
25 SHALL PROVIDE TO THE ADMINISTRATIVE OFFICE OF THE COURTS A LIST OF ALL  
26 CHARGES CONTAINED IN THE NOTICE FOR WHICH A PROSECUTING AGENCY DID NOT  
27 FILE AN OBJECTION UNDER SUBSECTION (C) OF THIS SECTION.

28 (2) FOR EACH CHARGE ON THE LIST DESCRIBED IN PARAGRAPH (1)  
29 OF THIS SUBSECTION:

30 (I) THE CHIEF JUSTICE OF THE SUPREME COURT OF  
31 MARYLAND OR THE CHIEF JUSTICE'S DESIGNEE SHALL TRANSMIT A SIGNED  
32 EXPUNGEMENT ORDER TO ALL CRIMINAL JUSTICE UNITS THAT HAVE CRIMINAL  
33 HISTORY RECORDS RELATING TO THE CASE; AND

1                   **(II) THE DEPARTMENT SHALL EXPUNGE THE CHARGE.**

2           **(F) ANY UNPAID FINES, COURT FEES, OR COURT ORDERED RESTITUTION**  
3 **DOES NOT PRECLUDE EXPUNGEMENT OF A CLEAN SLATE ELIGIBLE CHARGE UNDER**  
4 **THIS SECTION.**

5           **(G) EXPUNGEMENT EFFECTUATED UNDER THIS SECTION DOES NOT**  
6 **PRECLUDE THE COURT'S JURISDICTION OVER ANY:**

7                   **(1) SUBSEQUENTLY FILED MOTION TO AMEND THE RECORD;**

8                   **(2) POSTCONVICTION RELIEF MOTION OR PETITION; OR**

9                   **(3) OTHER FUTURE COLLATERAL ATTACK ON AN EXPUNGED RECORD.**

10           **(H) THIS SECTION DOES NOT PRECLUDE AN INDIVIDUAL FROM FILING A**  
11 **PETITION FOR EXPUNGEMENT OF A CHARGE UNDER THIS SUBTITLE, REGARDLESS**  
12 **OF WHETHER THE RECORD IS CLEAN SLATE ELIGIBLE, MAY BECOME CLEAN SLATE**  
13 **ELIGIBLE, OR HAS BEEN SHIELDED.**

14           **(I) THE DEPARTMENT SHALL CONDUCT PUBLICITY CAMPAIGNS AND**  
15 **DISSEMINATE INFORMATION ON AN ONGOING BASIS TO INFORM THE PUBLIC:**

16                   **(1) ABOUT THE IMPLEMENTATION OF AUTOMATED EXPUNGEMENT;**

17                   **(2) WHICH CHARGES ARE ELIGIBLE FOR AUTOMATED EXPUNGEMENT;**  
18 **AND**

19                   **(3) HOW INDIVIDUALS CAN CONFIDENTIALLY CHECK THE STATUS OF**  
20 **THEIR CRIMINAL RECORDS BY WAY OF A DIGITAL SERVICE PROVIDED UNDER**  
21 **SUBSECTION (J) OF THIS SECTION.**

22           **(J) THE DEPARTMENT SHALL PROVIDE A DIGITAL SERVICE THAT:**

23                   **(1) ALLOWS INDIVIDUALS TO CONFIDENTIALLY DETERMINE**  
24 **WHETHER THEIR CHARGES HAVE BEEN EXPUNGED BY AUTOMATED EXPUNGEMENT;**  
25 **AND**

26                   **(2) PROVIDES INFORMATION ON THE RIGHTS AND PRIVILEGES**  
27 **PERTAINING TO EXPUNGED RECORDS.**

1           **(K) AN INDIVIDUAL WHOSE RECORDS HAVE BEEN EXPUNGED UNDER THIS**  
2 **SECTION MAY ACCESS INFORMATION CONTAINED IN THE RECORDS WITHOUT FIRST**  
3 **OBTAINING A COURT ORDER.**

4           **(L) ON OR BEFORE JANUARY 1 AND JULY 1 ANNUALLY, THE DEPARTMENT**  
5 **SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §**  
6 **2-1257 OF THE STATE GOVERNMENT ARTICLE, DETAILING THE PROGRESS AND**  
7 **OUTCOMES OF THE AUTOMATED EXPUNGEMENT PROCESS DURING THE PREVIOUS**  
8 **6-MONTH PERIOD, INCLUDING:**

9                   **(1) THE NUMBER OF CHARGES EXPUNGED;**

10                   **(2) DEMOGRAPHIC INFORMATION OF AFFECTED INDIVIDUALS; AND**

11                   **(3) ANY CHALLENGES ENCOUNTERED.**

12           **(M) THE NECESSARY FUNDS FOR CONDUCTING AUTOMATED EXPUNGEMENT**  
13 **SHALL BE ALLOCATED FROM THE DEPARTMENT'S BUDGET OR ANY GRANTS OR**  
14 **APPROPRIATIONS MADE AVAILABLE FOR CONDUCTING AUTOMATED**  
15 **EXPUNGEMENT.**

16           **(N) IN A CRIMINAL CASE, WHEN ALL OR SOME OF THE CHARGES AGAINST**  
17 **THE DEFENDANT MAY BECOME CLEAN SLATE ELIGIBLE, THE COURT SHALL:**

18                   **(1) ADVISE THE DEFENDANT THAT THE DEFENDANT MAY IN THE**  
19 **FUTURE BE ENTITLED TO AUTOMATED EXPUNGEMENT OF THE RECORDS; AND**

20                   **(2) PROVIDE A WRITTEN EXPLANATION OF THE DIGITAL SERVICE**  
21 **AVAILABLE TO CONFIDENTIALLY DETERMINE ONE'S AUTOMATED EXPUNGEMENT**  
22 **STATUS UNDER SUBSECTION (J) OF THIS SECTION.**

23           **(O) THE FAILURE OF A COURT TO COMPLY WITH SUBSECTION (N) OF THIS**  
24 **SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE OR**  
25 **DISPOSITION OF THE CASE.**

26           **(P) AUTOMATED EXPUNGEMENT OF A CLEAN SLATE ELIGIBLE CHARGE**  
27 **DOES NOT CONSTITUTE A SUBSEQUENT PROCEEDING OR POSTSENTENCING**  
28 **PROCEEDING UNDER TITLE 11, SUBTITLE 5 OF THIS ARTICLE.**

29           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
30 effect January 1, 2027.

31           SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
32 3 of this Act, this Act shall take effect October 1, 2024.