

SB0432/713223/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 432
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and West**” and substitute “**West, Smith, Waldstreicher, Love, Muse, and Sydnor**”; strike beginning with “determine” in line 8 down through the second “restitution” in line 9 and substitute “make certain determinations in relation to a petition to expungement, under certain circumstances”; and in line 15, after “(8)” insert “and (e)”.

AMENDMENT NO. 2

On page 3, after line 15, insert:

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

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

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

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

(i) except as provided in item (ii) of this paragraph, the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person within 3 years after the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime;

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(ii) the petition is based on the entry of probation before judgment for a violation of § 21-902(a) or (b) of the Transportation Article and the person within 15 years after the entry of the probation before judgment has:

1. been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or

2. received probation before judgment for a violation of § 21-902 of the Transportation Article; or

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

(5) IN DETERMINING WHETHER THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL CONSIDER, TO THE EXTENT APPLICABLE:

(I) THE PERSON'S SUCCESS AT PROBATION, PAROLE, OR MANDATORY SUPERVISION; AND

(II) WHETHER THE PERSON HAS PAID ANY MONETARY RESTITUTION ORDERED BY THE COURT IN THE ORIGINAL PROCEEDING OR DOES NOT HAVE THE ABILITY TO PAY THE RESTITUTION."

On page 6, in line 21, strike "COURT-ORDERED PROBATION" and substitute "PROBATION, PAROLE, OR MANDATORY SUPERVISION".

AMENDMENT NO. 3

On page 4, in line 9, strike "§ 8-610,"; and in line 10, strike "§ 9-408, § 9-501, § 9-502,".

AMENDMENT NO. 4

On page 7, in line 12, strike "January 1" and substitute "January 31".