

SENATE BILL 101

E2
SB 510/17 – JPR

(PRE-FILED)

8lr1218

By: **Senator Norman**

Requested: November 15, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Time for Filing**

3 FOR the purpose of repealing the prohibition on the filing of a petition for expungement
4 based on an acquittal, a dismissal, or a nolle prosequi within a certain time period
5 after the disposition unless the petitioner files with the petition a certain waiver and
6 release; requiring certain records that are ordered for expungement to be expunged
7 by removing the records to a certain secured area; and generally relating to
8 expungement of criminal records.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 10–105(c)(1) and (e)(2)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2017 Supplement)

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

16 **Article – Criminal Procedure**

17 10–105.

18 (c) (1) Except as provided in paragraph (2) of this subsection, a petition for
19 expungement based on an acquittal, a nolle prosequi, or a dismissal may [not be filed within
20 3 years after the disposition, unless the petitioner files with the petition a written general
21 waiver and release of all the petitioner’s tort claims arising from the charge] **BE FILED AT**
22 **ANY TIME.**

23 (e) (2) **(I) [If] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(II) IF A PETITION FOR EXPUNGEMENT UNDER SUBSECTION**
4 **(C)(1) OF THIS SECTION IS GRANTED WITHIN 3 YEARS AFTER THE DISPOSITION, THE**
5 **EXPUNGEMENT SHALL BE ACCOMPLISHED BY REMOVING THE RECORDS TO A**
6 **SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE**
7 **REASON FOR ACCESS ARE DENIED ACCESS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.