

~~(1) THE COURT COMMITS THE PROBATION OF DEFENDANT~~
 Maryland Justice Reinvestment Act of 2016
 Senate Bill 1005
 Expungement of Misdemeanors

or suspension or sentence.

(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.

(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.

10-110.

(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:

(1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;

(2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

(3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;

(4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;

(5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW ARTICLE;

(6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;

(7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;

(8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902 OF THE CRIMINAL LAW ARTICLE;

(9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR § 6-503 OF THE CRIMINAL LAW ARTICLE;

1 **(10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 **(11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §**
4 **8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;**

5 **(12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW**
6 **ARTICLE;**

7 **(13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE**
8 **CRIMINAL LAW ARTICLE;**

9 **(14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;**

10 **(15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §**
11 **12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;**

12 **(16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;**

13 **(17) § 4-509 OF THE FAMILY LAW ARTICLE;**

14 **(18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;**

15 **(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;**

16 **(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §**
17 **27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;**

18 **(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC**
19 **SAFETY ARTICLE;**

20 **(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY**
21 **ARTICLE;**

22 **(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;**

23 **(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX –**
24 **GENERAL ARTICLE;**

25 **(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL**
26 **CONTEMPT, OR HINDERING; OR**

27 **(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE**
28 **LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.**

1 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
2 **SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT**
3 **IN WHICH THE PROCEEDING BEGAN.**

4 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED**
6 **TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO**
7 **WHICH THE PROCEEDING WAS TRANSFERRED.**

8 **(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS**
9 **TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS**
10 **ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL**
11 **JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.**

12 **(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL**
13 **JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION,**
14 **THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.**

15 **(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE**
16 **COURT OF ORIGINAL JURISDICTION.**

17 **(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE**
18 **FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR**
19 **SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS**
20 **REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.**

21 **(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE**
22 **APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE**
23 **ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT**
24 **UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.**

25 **(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON**
26 **IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.**

27 **(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE**
28 **CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY**
29 **OTHER CONVICTION IN THE UNIT.**

30 **(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR**
31 **EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.**

32 **(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE**
33 **EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE**
34 **PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT**

1 FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL
2 INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.

3 (3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN
4 OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE
5 PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE
6 EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE
7 CHARGE.

8 (F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY
9 OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

10 (2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE
11 RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE
12 COURT FINDS AND STATES ON THE RECORD:

13 (I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT
14 UNDER SUBSECTION (A) OF THIS SECTION;

15 (II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER
16 SUBSECTION (D) OF THIS SECTION;

17 (III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME,
18 THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT
19 REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND

20 (IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF
21 JUSTICE.

22 (G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED
23 TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

24 (H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER
25 ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT
26 RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN
27 WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF
28 COMPLIANCE WITH THE ORDER.

29 (I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.

30 (2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS
31 ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.