

HOUSE BILL 83

E2
HB 379/17 – JUD

0lr0450

By: **Delegates Moon, Bartlett, Charkoudian, Crutchfield, Korman, Lehman,
J. Lewis, and Palakovich Carr**

Introduced and read first time: January 13, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Automatic Expungement – Possession of Marijuana**

3 FOR the purpose of requiring all court records and police records relating to certain charges
4 of possession of marijuana to be automatically expunged on or before certain dates
5 under certain circumstances; requiring a certain court to initiate efforts to
6 automatically expunge all court records and police records relating to a certain
7 charge at a certain time; defining a certain term; and generally relating to
8 expungement.

9 BY adding to

10 Article – Criminal Procedure
11 Section 10–105.1
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 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 **10–105.1.**

18 **(A) IN THIS SECTION, “AUTOMATIC EXPUNGEMENT” MEANS EXPUNGEMENT**
19 **WITHOUT THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS**
20 **THE SUBJECT OF THE RECORDS TO BE EXPUNGED.**

21 **(B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY**
22 **DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5–601 OF THE**
23 **CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE POSSESSION**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY
2 EXPUNGED ON OR BEFORE OCTOBER 1, 2022.

3 (C) NOTWITHSTANDING § 10-107 OF THIS SUBTITLE, ALL COURT RECORDS
4 AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION
5 OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE
6 OCTOBER 1, 2020, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE
7 OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE
8 OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR
9 BEFORE OCTOBER 1, 2028.

10 (D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF
11 MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE ENTERED ON OR
12 AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10-107 OF THIS SUBTITLE:

13 (1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE
14 EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE
15 RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE;
16 AND

17 (2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS
18 RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90
19 DAYS AFTER DISPOSITION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.