

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

Senate Bill 212 (Chairman, Judicial Proceedings Committee)  
(Maryland Judicial Conference)

Judicial Proceedings

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**Police and Criminal Records - Expungement of Records - Nolle Prosequi Before Service**

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This bill provides that unless the State objects and shows cause why a record should not be expunged, if the State enters a nolle prosequi as to all charges in a criminal case within the jurisdiction of the District Court with which a defendant has not been served, the District Court may order expungement of any court record, police record, or any other State or local record kept as to the charges.

The District Court may not assess costs against a defendant for a proceeding to expunge records pursuant to the bill.

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**Fiscal Summary**

**State Effect:** The bill would not significantly impact governmental operations or finances.

**Local Effect:** The bill would not significantly impact governmental operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person charged with the commission of a crime may file a petition requesting the expungement of the police records, court records, and other records maintained by the State and local governments pertaining to the charge if a nolle prosequi is entered. Such a petition may not be filed earlier than three years after the date of the

disposition, unless the person files with the petition a waiver of all claims the person may have against any person for tortious conduct arising from the charge. A person is not entitled to an expungement if the person has since been convicted of a crime or is then a defendant in a pending criminal proceeding.

**Background:** A nolle prosequi is a disposition in a criminal case indicating that the charge will not be prosecuted.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 483 (Maryland Judicial Conference) - Judiciary.

**Information Source(s):** Maryland State's Attorneys' Association, Office of the Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2000  
nncsjr Revised - Senate Third Reader - March 24, 2000

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