

Expungement Law and Helpful Links

Crim Proc §§ 10-101–110, Courts § 3-8A-27.1, and Transportation § 16-117.1

Expungeable Convictions from Justice Reinvestment Act:

<https://mvlslaw.org/new-expungeable-convictions/>

Petition for Expungement (all varieties except Convictions and Traffic Records)

<https://www.mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdccr072A.pdf/ccdccr072A.pdf>

General Waiver and Release

<https://www.mdcourts.gov/sites/default/files/import/courtforms/joint/ccdccr078.pdf>

Petition for Expungement of Convictions

<https://www.mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdccr072B.pdf/ccdccr072B.pdf>

Fee Waiver (instead of paying \$30 filing fee per Petition Form)

<https://www.mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdc089.pdf/ccdc089.pdf>

Helpful advice for Noncitizens and others with Federal Concerns

In English: https://c026acbc-bc5d-4cef-8584-0a0bde77d83b.filesusr.com/ugd/868471_a566219dda194929931ad6554ec995d3.pdf

In Spanish: https://c026acbc-bc5d-4cef-8584-0a0bde77d83b.filesusr.com/ugd/868471_01499c89f3b54ba2ba3509bf9f932980.pdf

Shielding Law and Helpful Links

Crim Proc §§ 10-301–306, Courts § 3-1510, Family Law § 4-512

Petition for Shielding Conviction

<https://mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdcr148.pdf/ccdcr148.pdf>

Request to Shield Denied or Dismissed Protective Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv021a.pdf/ccdcdv021a.pdf>

Request to Shield Denied or Dismissed Peace Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcpo016a.pdf/ccdcpo016a.pdf>

Request to Shield Consented to Protective Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv021b.pdf/ccdcdv021b.pdf>

Request to Shield Consented to Peace Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcpo016b.pdf/ccdcpo016b.pdf>

General Waiver and Release - for use with shielding of domestic violence and peace order records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdc077.pdf/ccdc077.pdf>

Motion for Service by Clerk Concerning Request to Shield Protective Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv025.pdf/ccdcdv025.pdf>

Motion for Service by Clerk Concerning Request to Shield Peace Order Records

<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcpo019.pdf/ccdcpo019.pdf>

Md. CRIMINAL PROCEDURE Code Ann. § 10-101. Definitions

- (a) In general.** -- In this subtitle the following words have the meanings indicated.
- (b) Central Repository.** -- "Central Repository" means the Criminal Justice Information System Central Repository in the Department.
- (c) Court record.** --
- (1)** "Court record" means an official record of a court that the clerk of a court or other court personnel keeps about:
- (i)** a criminal proceeding; or
 - (ii)** any other proceeding, except a juvenile proceeding, concerning a civil offense or infraction enacted under State or local law as a substitute for a criminal charge.
- (2)** "Court record" includes:
- (i)** a record of a violation of the Transportation Article for which a term of imprisonment may be imposed; and
 - (ii)** an index, docket entry, charging document, pleading, memorandum, transcription of proceedings, electronic recording, order, and judgment.
- (d) Expunge.** -- "Expunge" means to remove information from public inspection in accordance with this subtitle.
- (e) Expungement.** -- "Expungement" with respect to a court record or a police record means removal from public inspection:
- (1)** by obliteration;
 - (2)** by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
 - (3)** if access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.
- (f) Law enforcement unit.** -- "Law enforcement unit" means a State, county, or municipal police department or unit, the office of a sheriff, the office of a State's Attorney, the Office of the State Prosecutor, or the Office of the Attorney General of the State.
- (g) Minor traffic violation.** -- "Minor traffic violation" means a nonincarcerable violation of the Maryland Vehicle Law or any other traffic law, ordinance, or regulation.

(h) Police record. -- "Police record" means an official record that a law enforcement unit, booking facility, or the Central Repository maintains about the arrest and detention of, or further proceeding against, a person for:

- (1)** a criminal charge;
- (2)** a suspected violation of a criminal law;
- (3)** a violation of the Transportation Article for which a term of imprisonment may be imposed; or
- (4)** a civil offense or infraction, except a juvenile offense, enacted under State or local law as a substitute for a criminal charge.

Md. CRIMINAL PROCEDURE Code Ann. § 10-102. Scope

(a) In general. -- A police record or a court record is subject to expungement under this subtitle.

(b) Record before July 1, 1975. --

(1) A court record or a police record that existed before July 1, 1975, and is still maintained, may be expunged under this subtitle.

(2) A person who is entitled to the expungement of a court record or a police record that existed before July 1, 1975, may use the procedures for expungement provided under this subtitle.

(3) The limitation periods provided in § 10-105 of this subtitle begin when the person becomes entitled to expungement of a court record or a police record that existed before July 1, 1975.

(4) The custodian of court records or police records that were made before July 1, 1975, and that may be expunged under this subtitle:

(i) shall make a reasonable search for a record requested for expungement; but

(ii) need not expunge a court record or a police record that is not found after a reasonable search.

(c) Exclusions. -- This subtitle does not apply to:

(1) a record about a minor traffic violation;

(2) the published opinion of a court;

(3) a cash receipt or disbursement record that is necessary for audit purposes;

(4) a transcript of court proceedings made by a court reporter in a multiple defendant case;

(5) an investigatory file; or

(6) a record of the work product of a law enforcement unit that is used solely for police investigation.

Md. CRIMINAL PROCEDURE Code Ann. § 10-103. Expungement of police record when no charge is filed

(a) Notice and request for expungement. -- For arrests, detentions, or confinements occurring before October 1, 2007, a person who is arrested, detained, or confined by a law enforcement unit for the suspected commission of a crime and then is released without being charged with the commission of a crime may request the expungement of the police record.

(b) Period for request. -- The person shall request expungement within 8 years after the date of the incident.

(c) Investigation. --

(1) On receipt of a timely filed request, the law enforcement unit promptly shall investigate and try to verify the facts stated in the request.

(2) If the law enforcement unit finds the facts are true, the law enforcement unit shall:

(i) search diligently for each police record about the arrest, detention, or confinement of the person;

(ii) expunge each police record it has about the arrest, detention, or confinement within 60 days after receipt of the request; and

(iii) send a copy of the request and the law enforcement unit's verification of the facts in the request to:

1. the Central Repository;

2. each booking facility or law enforcement unit that the law enforcement unit believes may have a police record about the arrest, detention, or confinement; and

3. the person requesting expungement.

(d) Duties of other units. -- Within 60 days after receipt of the request, the Central Repository, booking facility, and any other law enforcement unit shall search diligently for and expunge a police record about the arrest, detention, or confinement.

(e) Denial of request. -- If the law enforcement unit to which the person has sent a request finds that the person is not entitled to an expungement of the police record, the law enforcement unit, within 60 days after receipt of the request, shall advise the person in writing of:

(1) the denial of the request for expungement; and

(2) the reasons for the denial.

(f) Court order. --

(1)

(i) If a request by the person for expungement of a police record is denied under subsection (e) of this section, the person may apply for an order of expungement in the District Court that has proper venue against the law enforcement unit.

(ii) The person shall file the application within 30 days after the written notice of the denial is mailed or delivered to the person.

(2) After notice to the law enforcement unit, the court shall hold a hearing.

(3) If the court finds that the person is entitled to expungement, the court shall order the law enforcement unit to expunge the police record.

(4) If the court finds that the person is not entitled to expungement of the police record, the court shall deny the application.

(5)

(i) The law enforcement unit is a party to the proceeding.

(ii) Each party to the proceeding is entitled to appellate review on the record, as provided in the Courts Article for appeals in civil cases from the District Court.

(g) Waiver of fee or cost. -- A person who is entitled to expungement under this section may not be required to pay any fee or costs in connection with the expungement.

Md. CRIMINAL PROCEDURE Code Ann. § 10-103.1. Expungement of police records after release without charge.

(a) In general. -- For arrests or confinements occurring on or after October 1, 2007, a person who is arrested or confined by a law enforcement unit and then is released without being charged with the commission of a crime is entitled to expungement of all police records, including photographs and fingerprints, relating to the matter.

(b) Duties of law enforcement unit after release. -- Within 60 days after release of a person entitled to expungement of a police record under subsection (a) of this section, the law enforcement unit shall:

- (1)** search diligently for and expunge each police record about the arrest or confinement of the person; and
- (2)** send a notice of expungement containing all relevant facts about the expungement and underlying arrest or confinement to:
 - (i)** the Central Repository;
 - (ii)** each booking facility or law enforcement unit that the law enforcement unit believes may have a police record about the arrest or confinement; and
 - (iii)** the person entitled to expungement.

(c) Duties of law enforcement unit after notice. -- Within 60 days after receipt of the notice, the Central Repository, a booking facility, and any other law enforcement unit shall:

- (1)** search diligently for and expunge each police record about the arrest or confinement of the person; and
- (2)** advise in writing the person entitled to expungement of compliance with the order.

(d) Expungement by obliteration. --

- (1)** A police record expunged under this section may not be expunged by obliteration until 3 years after the date of expungement.
- (2)** During the 3-year period described in paragraph (1) of this subsection, the records shall be removed to a separate secure area to which persons who do not have a legitimate reason for access are denied access.
- (3)** For purposes of this subsection, a legitimate reason for accessing the records includes using the records for purposes of proceedings relating to the arrest.

(e) Remedies for failure to expunge. -- If a law enforcement unit, a booking facility, or the Central Repository fails to expunge a police record as required under subsection (b) or (c) of this section, the person entitled to expungement may:

- (1)** seek redress by means of any appropriate legal remedy; and
- (2)** recover court costs.

(f) Waiver of fee or costs. -- A person who is entitled to expungement under this section may not be required to pay any fee or costs in connection with the expungement.

Md. CRIMINAL PROCEDURE Code Ann. § 10-104. Expungement on nolle prosequi before service

(a) In general. -- 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 each court record, police record, or other record that the State or a political subdivision of the State keeps as to the charges.

(b) Costs. -- The District Court may not assess any costs against a defendant for a proceeding under subsection (a) of this section.

Md. CRIMINAL PROCEDURE Code Ann. § 10-105. Expungement of record after charge is filed

(a) Petition for expungement. -- A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, 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:

- (1)** the person is acquitted;
- (2)** the charge is otherwise dismissed;
- (3)** a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;
- (4)** a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;
- (5)** the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;
- (6)** the case is compromised under § 3-207 of the Criminal Law Article;
- (7)** the charge was transferred to the juvenile court under § 4-202 of this article;
- (8)** the person:
 - (i)** is convicted of only one criminal act, and that act is not a crime of violence; and
 - (ii)** is granted a full and unconditional pardon by the Governor;
- (9)** the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:
 - (i)** urination or defecation in a public place;
 - (ii)** panhandling or soliciting money;
 - (iii)** drinking an alcoholic beverage in a public place;
 - (iv)** obstructing the free passage of another in a public place or a public conveyance;

- (v) sleeping on or in park structures, such as benches or doorways;
 - (vi) loitering;
 - (vii) vagrancy;
 - (viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or
 - (ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation Article, any of the acts specified in § 7-705 of the Transportation Article;
- (10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:
- (i) trespass;
 - (ii) disturbing the peace; or
 - (iii) telephone misuse;
- (11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; or
- (12) the person was convicted of possession of marijuana under § 5-601 of the Criminal Law Article.

(a-1) Filing by attorney or personal representative. -- A person's attorney or personal representative may file a petition, on behalf of the person, for expungement under this section if the person died before disposition of the charge by nolle prosequi or dismissal.

(b) Where petition filed. --

- (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.
- (2)
 - (i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.
 - (ii) If the proceeding began in one court and was transferred to the juvenile court under § 4-202 or § 4-202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.
- (3)

(i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(c) Time of filing. --

(1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.

(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:

(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or

(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.

(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.

(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.

(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3-207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(7) A petition for expungement based on a finding of not criminally responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years after the finding of not criminally responsible was made by the court.

(8) A petition for expungement based on the conviction of a crime under subsection (a)(12) of this section may not be filed within 4 years after the conviction or

satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(9) A court may grant a petition for expungement at any time on a showing of good cause.

(d) Period for objection by State's Attorney. --

(1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(e) Hearing on expungement. --

(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) 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 of 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; or

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

(f) Notice of compliance. -- Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(g) Appellate review. --

(1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.

Md. CRIMINAL PROCEDURE Code Ann. § 10-106. Expungement of criminal charge transferred to juvenile court

(a) In general. -- A person may file, and a court shall grant, a petition for expungement of a criminal charge transferred to the juvenile court under § 4-202 or § 4-202.2 of this article.

(b) Where petition filed. -- A petition for expungement filed under this section shall be filed in the court of original jurisdiction from which the order of transfer was entered.

Md. CRIMINAL PROCEDURE Code Ann. § 10-107. Charges arising from same incident, transaction, or set of facts

(a) Multiple charges as unit. --

(1) In this subtitle, if two or more charges, other than one for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit.

(2) A charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit is not a part of the unit.

(b) Effect on right to expungement. --

(1) If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge or conviction in the unit.

Md. CRIMINAL PROCEDURE Code Ann. § 10-108. Opening, review, or disclosure of expunged records

(a) General prohibition; exceptions. -- A person may not open or review an expunged record or disclose to another person any information from that record without a court order from:

- (1) the court that ordered the record expunged; or
- (2) the District Court that has venue in the case of a police record expunged under § 10-103 of this subtitle.

(b) Procedure for opening, review, or disclosure. -- A court may order the opening or review of an expunged record or the disclosure of information from that record:

- (1) after notice to the person whom the record concerns, a hearing, and the showing of good cause; or
- (2) on an ex parte order, as provided in subsection (c) of this section.

(c) Ex parte order. --

(1) The court may pass an ex parte order allowing access to an expunged record, without notice to the person who is the subject of that record, on a verified petition filed by a State's Attorney alleging that:

- (i) the expunged record is needed by a law enforcement unit for a pending criminal investigation; and
- (ii) the investigation will be jeopardized or life or property will be endangered without immediate access to the expunged record.

(2) In an ex parte order, the court may not allow a copy of the expunged record to be made.

(d) Penalties. --

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, an official or employee of the State or a political subdivision of the State who is convicted under this section may be removed or dismissed from public service.

Md. CRIMINAL PROCEDURE Code Ann. § 10-109. Prohibited acts

(a) Applications for employment or admission. --

(1) Disclosure of expunged information about criminal charges in an application, interview, or other means may not be required:

(i) by an employer or educational institution of a person who applies for employment or admission; or

(ii) by a unit, official, or employee of the State or a political subdivision of the State of a person who applies for a license, permit, registration, or governmental service.

(2) A person need not refer to or give information concerning an expunged charge when answering a question concerning:

(i) a criminal charge that did not result in a conviction; or

(ii) a conviction that the Governor pardoned.

(3) Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for:

(i) an employer to discharge or refuse to hire the person; or

(ii) a unit, official, or employee of the State or a political subdivision of the State to deny the person's application.

(b) Penalties. --

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both for each violation.

(2) In addition to the penalties provided in paragraph (1) of this subsection, an official or employee of the State or a political subdivision of the State who is convicted under this section may be removed or dismissed from public service.

Md. CRIMINAL PROCEDURE Code Ann. § 10-110. Petition for expungement

(a) Expungement for certain misdemeanors. -- 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:

- (1)** a misdemeanor that is a violation of:
 - (i)** § 6-320 of the Alcoholic Beverages Article;
 - (ii)** an offense listed in § 17-613(a) of the Business Occupations and Professions Article;
 - (iii)** § 5-712, § 19-304, § 19-308, or Title 5, Subtitle 6 or Subtitle 9 of the Business Regulation Article;
 - (iv)** § 3-1508 or § 10-402 of the Courts Article;
 - (v)** § 14-1915, § 14-2902, or § 14-2903 of the Commercial Law Article;
 - (vi)** § 5-211 of this article;
 - (vii)** § 3-203 or § 3-808 of the Criminal Law Article;
 - (viii)** § 5-601 not involving the use or possession of marijuana, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, or § 5-902 of the Criminal Law Article;
 - (ix)** § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, or § 6-503 of the Criminal Law Article;
 - (x)** § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, or § 7-309 of the Criminal Law Article;
 - (xi)** § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, or § 8-904 of the Criminal Law Article;
 - (xii)** § 9-204, § 9-205, § 9-503, or § 9-506 of the Criminal Law Article;
 - (xiii)** § 10-110, § 10-201, § 10-402, § 10-404, or § 10-502 of the Criminal Law Article;
 - (xiv)** § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;
 - (xv)** § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, or § 12-302 of the Criminal Law Article;
 - (xvi)** § 13-401, § 13-602, or § 16-201 of the Election Law Article;

- (xvii)** § 4-509 of the Family Law Article;
- (xviii)** § 18-215 of the Health - General Article;
- (xix)** § 4-411 or § 4-2005 of the Housing and Community Development Article;
- (xx)** § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, or § 27-407.2 of the Insurance Article;
- (xxi)** § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, § 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed limits for personal watercraft;
- (xxii)** § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of the Public Safety Article;
- (xxiii)** § 7-318.1, § 7-509, or § 10-507 of the Real Property Article;
- (xxiv)** § 9-124 of the State Government Article;
- (xxv)** § 13-1001, § 13-1004, § 13-1007, or § 13-1024 of the Tax - General Article; or
- (xxvi)** the common law offenses of affray, rioting, criminal contempt, battery, or hindering;

(2) a felony that is a violation of:

- (i)** § 7-104 of the Criminal Law Article;
- (ii)** the prohibition against possession with intent to distribute a controlled dangerous substance under § 5-602(2) of the Criminal Law Article; or
- (iii)** § 6-202(a), § 6-203, or § 6-204 of the Criminal Law Article; or

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

(b) Where to file. --

(1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition for expungement in the court in which the proceeding began.

(2)

(i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4-202 or § 4-202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.

(3)

(i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(c) Time for filing. --

(1) Except as provided in paragraphs (2) and (3) of this subsection, a petition for expungement under this section may not be filed earlier than 10 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(2) A petition for expungement for a violation of § 3-203 of the Criminal Law Article, common law battery, or for an offense classified as a domestically related crime under § 6-233 of this article may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(3) A petition for expungement of a felony may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(d) Effect of conviction of new crime. --

(1) If the person is convicted of a new crime during the applicable time period set forth in subsection (c) of this section, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement.

(2) A person is not eligible for expungement if the person is a defendant in a pending criminal proceeding.

(3) If a person is not eligible for expungement of one conviction in a unit, the person is not eligible for expungement of any other conviction in the unit.

(e) Service of petition. --

(1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) The court shall send written notice of the expungement request to each listed victim in the case in which the petitioner is seeking expungement at the address listed in the court file, advising the victim of the right to offer additional information relevant to the expungement petition to the court.

(3) Unless the State's Attorney or a victim files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(f) Objection to petition; hearing; order of expungement. --

(1) If the State's Attorney or a victim files a timely objection to the petition, the court shall hold a hearing.

(2) The court shall order the expungement of all police records and court records about the charge after a hearing, if the court finds and states on the record:

(i) that the conviction is eligible for expungement under subsection (a) of this section;

(ii) that the person is eligible for expungement under subsection (d) of this section;

(iii) that giving due regard to the nature of the crime, the history and character of the person, and the person's success at rehabilitation, the person is not a risk to public safety; and

(iv) that an expungement would be in the interest of justice.

(g) Denial of petition of expungement. -- If at a hearing the court finds that a person is not entitled to expungement, the court shall deny the petition.

(h) Report of compliance with expungement order. -- Unless an order is stayed pending appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(i) Parties; review. --

(1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to the appellate review as provided in the Courts Article.

§ 3-8A-27.1. Expungement of records.

(a) Definitions. --

- (1)** In this section the following words have the meanings indicated.
- (2)** "Expungement" has the meaning stated in § 10-101 of the Criminal Procedure Article.
- (3)** "Juvenile record" means a court record and police record concerning a child alleged or adjudicated delinquent or in need of supervision or who has received a citation for a violation.
- (4)** "Victim" means a person against whom a delinquent act has been committed or attempted.

(b) Petition for expungement. --

- (1)** A person may file a petition for expungement of the person's juvenile record in the court in which the petition or citation was filed.
- (2)** The court shall have a copy of the petition for expungement served on:
 - (i)** All listed victims in the case in which the person is seeking expungement at the address listed in the court file;
 - (ii)** All family members of a victim listed in item (i) of this paragraph who are listed in the court file as having attended the adjudication for the case in which the person is seeking expungement; and
 - (iii)** The State's Attorney.

(c) Requirements. -- The court may order a juvenile record expunged if:

- (1)**
 - (i)** The State's Attorney enters a nolle prosequi;
 - (ii)** The petition is dismissed;
 - (iii)** The court, in an adjudicatory hearing, does not find that the allegations in the petition are true;
 - (iv)** The adjudicatory hearing is not held within 2 years after a petition is filed; or
 - (v)** The court, in a disposition hearing, finds that the person does or does not require guidance, treatment, or rehabilitation;

- (2) The person has attained the age of 18 years and at least 2 years have elapsed since the last official action in the person's juvenile record;
- (3) The person has not been adjudicated delinquent more than once;
- (4) The person has not subsequently been convicted of any offense;
- (5) No delinquency petition or criminal charge is pending against the person;
- (6) The person has not been adjudicated delinquent for an offense that, if committed by an adult, would constitute:
 - (i) A crime of violence as defined in § 14-101 of the Criminal Law Article;
 - (ii) A violation of § 3-308 of the Criminal Law Article; or
 - (iii) A felony;
- (7) The person was not required to register as a sex offender under § 11-704(c) of the Criminal Procedure Article;
- (8) The person has not been adjudicated delinquent for an offense involving the use of a firearm, as defined in § 5-101 of the Public Safety Article, in the commission of a crime of violence, as defined in § 14-101 of the Criminal Law Article; and
- (9) The person has fully paid any monetary restitution ordered by the court in the delinquency proceeding.

(d) Considerations. -- The court shall consider the best interests of the person, the person's stability in the community, and the safety of the public in its consideration of the petition for expungement.

(e) Grant or denial. --

- (1) If no objection is filed, the court may grant the petition without a hearing.
- (2) If the court finds that a petition fails on its face to meet the requirements under subsection (c) of this section, the court may deny the petition without a hearing.
- (3) (i) 1. The following persons may file an objection to a petition under this section:
 - A. A listed victim in the case in which the person is seeking expungement;
 - B. A family member of a victim listed in item A of this subparagraph who is listed in the court file as having attended the adjudication for the case in which the person is seeking expungement; and
 - C. The State's Attorney.
- 2. Except as provided under paragraph (2) of this subsection, if a person listed in subparagraph 1 of this subparagraph files an objection to the petition within 30 days after the petition is served, the court shall hold a hearing.

(ii) The court may hold a hearing on its own initiative.

(iii) If, after a hearing, the court finds that the person is entitled to expungement, the court shall order the expungement of all court records and police records relating to the delinquency or child in need of supervision petition or the citation.

(iv) If, after a hearing, the court finds that the person is not entitled to expungement, the court shall deny the petition.

(f) Appeals. -- The person who filed the petition for expungement or the State's Attorney may appeal an order granting or denying the petition.

(g) Custodian to advise of compliance with order. -- Unless an order is stayed pending an appeal, each custodian of juvenile records subject to the order of expungement shall advise, in writing, the court, the petitioner, and all parties to the petition for expungement proceeding of compliance with the order within 60 days after entry of the order.

(h) Excepted records. -- This section does not apply to:

(1) Records maintained under Title 11, Subtitle 7 of the Criminal Procedure Article;
or

(2) Records maintained by a law enforcement agency for the sole purpose of collecting statistical information concerning juvenile delinquency and that do not contain any information that would reveal the identity of a person.

§ 16-117.1. Expungement of certain driving records

(a) "Criminal offense" defined. --

(1) In this section the following words have the meanings indicated.

(2) "Child Support Administration" means the Child Support Administration of the Department of Human Services.

(3) "Criminal offense" does not include any violation of the Maryland Vehicle Law.

(b) When Administration may expunge records. -- The Administration shall expunge the public driving record of a licensee if:

(1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's license never has been suspended for reasons related to driver safety, as defined by the Administration, or revoked;

(2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's record shows not more than one suspension for reasons related to driver safety, as defined by the Administration, and no revocations; or

(3) Within the preceding 10 years:

(i) The licensee has not been granted probation before judgment for a violation of § 20-102 or § 21-902 of this article; and

(ii) The licensee has not been convicted of any moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

(c) Suspension for failure to pay child support. --

(1) On request of the Child Support Administration, the Administration shall expunge a record of a suspension for failure to pay child support:

(i) For a licensee who is enrolled in and compliant with an employment program approved by the Child Support Administration, if the licensee:

1. Has not been convicted of driving on a license that was suspended for failure to pay child support; and

2. Does not have charges related to the suspension for failure to pay child support pending against the licensee; or

(ii) If the Child Support Administration notifies the Administration that the information reported by the Child Support Administration that led to the suspension was inaccurate.

(2) A request by the Child Support Administration to expunge a record under this subsection may not affect any suspension unrelated to child support.

(d) When Administration may refuse to expunge. -- The Administration may refuse to expunge a driving record if it determines that the licensee has not driven a motor vehicle on the highways during the particular conviction-free period on which the expungement is based.

(e) Prohibited expungements. -- Notwithstanding any other provision of this section, the Administration may not expunge:

(1) Any driving records before the expiration of the time they are required to be retained under § 16-819 of this title;

(2) Any driving record entries required for assessment of subsequent offender penalties; and

(3) Any driving record entries related to a moving violation or an accident that resulted in the death of another person.

(f) Regulations. --

(1) Subject to paragraph (2) of this subsection, the Administration shall adopt regulations to carry out this section.

(2) The Secretary, in cooperation with the Secretary of Human Services, may adopt regulations to implement the provisions of subsection (c) of this section.

Md. CRIMINAL PROCEDURE Code Ann. § 10-301. Definitions

- (a) In general.** -- In this subtitle the following words have the meanings indicated.
- (b) Court record.** -- "Court record" has the meaning stated in § 10-101 of this title.
- (c) Criminal justice unit.** -- "Criminal justice unit" has the meaning stated in § 10-201 of this title.
- (d) Police record.** -- "Police record" has the meaning stated in § 10-101 of this title.
- (e) Shield.** -- "Shield" means to render a court record and police record relating to a conviction of a crime inaccessible by members of the public.
- (f) Shieldable conviction.** -- "Shieldable conviction" means a conviction of one of the following crimes:
- (1)** disorderly conduct under § 10-201(c)(2) of the Criminal Law Article;
 - (2)** disturbing the peace under § 10-201(c)(4) of the Criminal Law Article;
 - (3)** failure to obey a reasonable and lawful order under § 10-201(c)(3) of the Criminal Law Article;
 - (4)** malicious destruction of property in the lesser degree under § 6-301 of the Criminal Law Article;
 - (5)** trespass on posted property under § 6-402 of the Criminal Law Article;
 - (6)** possessing or administering a controlled dangerous substance under § 5-601 of the Criminal Law Article;
 - (7)** possessing or administering a noncontrolled substance under § 5-618(a) of the Criminal Law Article;
 - (8)** use of or possession with intent to use drug paraphernalia under § 5-619(c)(2) of the Criminal Law Article;
 - (9)** driving without a license under § 16-101 of the Transportation Article;
 - (10)** driving while privilege is canceled, suspended, refused, or revoked under § 16-303 of the Transportation Article;
 - (11)** driving while uninsured under § 17-107 of the Transportation Article; or
 - (12)** a prostitution offense under § 11-303 of the Criminal Law Article if the conviction is for prostitution and not assignation.
- (g) Unit.** -- "Unit" means two or more convictions that arise from the same incident, transaction, or set of facts.

Md. CRIMINAL PROCEDURE Code Ann. § 10-302. Accessibility of shielded record.

(a) Applicability. -- This subtitle does not apply to a conviction of a domestically related crime under § 6-233 of this article.

(b) In general. -- A shielded record shall remain fully accessible by:

- (1)** criminal justice units for legitimate criminal justice purposes;
- (2)** prospective or current employers or government licensing agencies that are subject to a statutory or regulatory requirement or authorization to inquire into the criminal background of an applicant or employee for purposes of carrying out that requirement or authorization;
- (3)** a person that is authorized or required to inquire into an individual's criminal background under § 5-561(b), (c), (d), (e), (f), or (g) of the Family Law Article;
- (4)** the person who is the subject of the shielded record and that person's attorney;
- (5)** health occupations boards established under the Health Occupations Article;
- (6)** the Natalie M. LaPrade Medical Cannabis Commission established under Title 13, Subtitle 33 of the Health - General Article;
- (7)** a person that uses volunteers who care for or supervise children;
- (8)** a person that attests under the penalty of perjury that the person employs or seeks to employ an individual to care for or supervise a minor or vulnerable adult, as defined in § 3-604 of the Criminal Law Article; and
- (9)** a person who is accessing a shielded record on behalf of and with written authorization from a person or governmental entity described in items (1) through (8) of this subsection.

Md. CRIMINAL PROCEDURE Code Ann. § 10-303. Petition; eligibility for shielding; objection by State's Attorney; hearings; notice to victims.

(a) Petition. -- A person may petition the court to shield the person's court and police records relating to one or more shieldable convictions entered in the circuit court or the District Court in one county no earlier than 3 years after the person satisfies the sentence or sentences imposed for all convictions for which shielding is requested, including parole, probation, or mandatory supervision.

(b) Eligibility in general. --

(1) If the person is convicted of a new crime during the applicable time period set forth in subsection (a) of this section, the original conviction or convictions are not eligible for shielding unless the new conviction becomes eligible for shielding.

(2) A person is not eligible for shielding if the person is a defendant in a pending criminal proceeding.

(c) Ineligibility of one conviction in unit disqualifies other convictions in unit. -- If a person is not eligible for shielding of one conviction in a unit, the person is not eligible for shielding of any other conviction in the unit.

(d) Service of petition for shielding served on State's Attorney. --

(1) The court shall have a copy of a petition for shielding served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for shielding within 30 days after the petition is served, the court may order the shielding of all police records and court records relating to the conviction or convictions after taking into consideration any objections or additional information provided by the State's Attorney or the victim.

(e) Hearing on objection by State's Attorney. --

(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 shielding, the court shall order the shielding of all police records and court records relating to the conviction or convictions.

(3) The court may grant a petition under this subsection for good cause.

(4) A person may be granted only one shielding petition over the lifetime of the person.

(f) Notice to victims. -- The court shall send written notice of the proposed action to all listed victims in the case in which the petitioner is seeking shielding at the address listed in the court file advising the victim or victims of the right to offer additional information relevant to the shielding petition to the court.

Md. CRIMINAL PROCEDURE Code Ann. § 10-304. Reference to shielded records prohibited.

The Maryland Judiciary Case Search may not in any way refer to the existence of specific records shielded in accordance with this subtitle.

Md. CRIMINAL PROCEDURE Code Ann. § 10-305. Conviction not considered conviction under § 10-105(e)(4)(i) of this title.

A conviction that has been shielded under this subtitle may not be considered a conviction for purposes of § 10-105(e)(4)(i) of this title.

Md. CRIMINAL PROCEDURE Code Ann. § 10-306. Prohibited disclosures.

(a) Persons with authorized access. -- A person authorized to access a shielded record under § 10-302(b) of this subtitle may not disclose any information from a shielded record to a person who is not authorized to access shielded records under § 10-302(b) of this subtitle.

(b) In general. --

(1) Except as provided in § 10-302(b) of this subtitle, an employer may not:

(i) require a person who applies for employment to disclose shielded information about criminal charges in an application, an interview, or otherwise; or

(ii) discharge or refuse to hire a person solely because the person refused to disclose information about criminal charges that have been shielded.

(2) An educational institution may not:

(i) require a person who applies for admission to the institution to disclose shielded information about criminal charges in an application, an interview, or otherwise; or

(ii) expel or refuse to admit a person solely because the person refused to disclose information about criminal charges that have been shielded.

(3) Except as provided in § 10-302(b) of this subtitle, a unit, an official, or an employee of the State or a political subdivision of the State may not:

(i) require a person who applies for a permit, registration, or government service to disclose shielded information about criminal charges in an application, an interview, or otherwise; or

(ii) deny a person's application for a permit, registration, or government service solely because the person refused to disclose information about criminal charges that have been shielded.

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1510. Shielding of records

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2)

(i) "Court record" means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) "Court record" includes:

1. An index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and
2. Any electronic information about a proceeding on the Web site maintained by the Maryland Judiciary.

(3) "Shield" means to remove information from public inspection in accordance with this section.

(4) "Shielding" means:

(i) With respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) With respect to electronic information about a proceeding on the Web site maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

(5) "Victim services provider" means a nonprofit or governmental organization that has been authorized by the Governor's Office of Crime Prevention, Youth, and Victim Services to have online access to records of shielded peace orders in order to assist victims of abuse.

(b) Written request. --

(1) Subject to subsection (c) of this section, if a petition filed under this subtitle was denied or dismissed at the interim, temporary, or final peace order stage of a proceeding under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (d) of this section.

(2) Subject to subsection (c) of this section, if the respondent consented to the entry of a peace order under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (e) of this section.

(c) Timing. -- A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition or the consent to the entry of the peace order unless the requesting party files with the request a general waiver and release of all the party's tort claims related to the proceeding under this subtitle.

(d) Notice, hearing, and findings. --

(1) If a petition was denied or dismissed at the interim, temporary, or final peace order stage of a proceeding under this subtitle, on the filing of a written request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) That the petition was denied or dismissed at the interim, temporary, or final peace order stage of the proceeding;

(ii) That a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

(iii) That the respondent has not been found guilty of a crime arising from an act described in § 3-1503(a) of this subtitle against the petitioner; and

(iv) That none of the following are pending at the time of the hearing:

1. An interim or temporary peace order or protective order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. A criminal charge against the respondent arising from an alleged act described in § 3-1503(a) of this subtitle against the petitioner.

(4)

(i) On its own motion or on the objection of the other party, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause under subparagraph (i) of this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent

against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) Notice, hearing, and findings -- After expiration of peace order. --

(1)

(i) If the respondent consented to the entry of a peace order under this subtitle, the petitioner or the respondent may file a written request for shielding at any time after the peace order expires.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. For cases in which the respondent requests shielding, that the petitioner consents to the shielding;
2. That the respondent did not violate the peace order during its term;
3. That a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;
4. That the respondent has not been found guilty of a crime arising from an act described in § 3-1503(a) of this subtitle against the petitioner; and
5. That none of the following are pending at the time of the hearing:
 - A. An interim or temporary peace order or protective order issued against the respondent; or
 - B. A criminal charge against the respondent arising from an alleged act described in § 3-1503(a) of this subtitle.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(2)

(i) If the respondent consented to the entry of a peace order under this subtitle but the petitioner did not consent to shielding at the hearing under paragraph (1) of this subsection, the respondent may refile a written request for shielding after 1 year from the date of the hearing under paragraph (1) of this subsection.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. **A.** That the petitioner consents to the shielding; or
 - B.** That the petitioner does not consent to the shielding, but that it is unlikely that the respondent will commit an act specified in § 3-1503(a) of this subtitle against the petitioner in the future;
2. That the respondent did not violate the peace order during its term;
3. That a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;
4. That the respondent has not been found guilty of a crime arising from an act described in § 3-1503(a) of this subtitle against the petitioner; and
5. That none of the following are pending at the time of the hearing:
 - A.** An interim or temporary peace order or protective order issued against the respondent; or
 - B.** A criminal charge against the respondent arising from an alleged act described in § 3-1503(a) of this subtitle.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(f) Access to shielded record. --

(1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

- (i)** A law enforcement officer;
- (ii)** An attorney who represents or has represented the petitioner or the respondent in a proceeding;
- (iii)** A State's Attorney;
- (iv)** An employee of a local department of social services; or
- (v)** A victim services provider.

(2)

- (i)** A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.
- (ii)** If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.
- (iii)** In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the petitioner's or the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the petitioner or the respondent that the disclosure may create.

(g) Compliance with order. -- Within 60 days after entry of an order for shielding under this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

(h) Regulations. -- The Governor's Office of Crime Prevention, Youth, and Victim Services, in consultation with the Maryland Judiciary, may adopt regulations governing online access to shielded records by a victim services provider.

Md. FAMILY LAW Code Ann. § 4-512. Shielding of records.

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2)

(i) "Court record" means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) "Court record" includes:

1. an index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and
2. any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

(3) "Shield" means to remove information from public inspection in accordance with this section.

(4) "Shielding" means:

(i) with respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the website maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public website, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public website.

(5) "Victim services provider" means a nonprofit or governmental organization that has been authorized by the Governor's Office of Crime Prevention, Youth, and Victim Services to have online access to records of shielded protective orders in order to assist victims of abuse.

(b) Written request. --

(1) Subject to subsection (c) of this section, if a petition filed under this subtitle was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (d) of this section.

(2) Subject to subsection (c) of this section, if the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (e) of this section.

(c) Timing. -- A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition or the consent to the entry of the protective order, unless the requesting party files with the request a general waiver and release of all the party's tort claims related to the proceeding under this subtitle.

(d) Notice, hearing, and findings. --

(1) If a petition was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, on the filing of a written request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) that the petition was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding;

(ii) that a final protective order or peace order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

(iii) that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

(iv) that none of the following are pending at the time of the hearing:

1. an interim or temporary protective order or peace order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. a criminal charge against the respondent arising from alleged abuse against the petitioner.

(4)

(i) On its own motion or on the objection of the other party, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause under subparagraph (i) of this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent

against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) Notice, hearing, and findings -- After expiration of protective order. --

(1)

(i) If the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request for shielding at any time after the protective order expires.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. for cases in which the respondent requests shielding, that the petitioner consents to the shielding;

2. that the respondent did not violate the protective order during its term;

3. that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

4. that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

5. that none of the following are pending at the time of the hearing:

A. an interim or temporary peace order or protective order issued against the respondent; or

B. a criminal charge against the respondent arising from alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(2)

(i) If the respondent consented to the entry of a protective order under this subtitle, but the petitioner did not consent to shielding at the hearing under paragraph (1) of this subsection, the respondent may refile a written request for shielding after 1 year from the date of the hearing under paragraph (1) of this subsection.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

- 1. A.** that the petitioner consents to the shielding; or
 - B.** that the petitioner does not consent to the shielding, but that it is unlikely that the respondent will commit an act of abuse against the petitioner in the future;
- 2.** that the respondent did not violate the protective order during its term;
- 3.** that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;
- 4.** that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and
- 5.** that none of the following are pending at the time of the hearing:
 - A.** an interim or temporary peace order or protective order issued against the respondent; or
 - B.** a criminal charge against the respondent arising from alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(f) Access to shielded record. --

(1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

- (i) a law enforcement officer;
- (ii) an attorney who represents or has represented the petitioner or the respondent in a proceeding;
- (iii) a State's Attorney;
- (iv) an employee of a local department; or
- (v) a victim services provider.

(2)

(i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the petitioner's or the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the petitioner or the respondent that the disclosure may create.

(g) Compliance with order. -- Within 60 days after entry of an order for shielding under this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

(h) Regulations. -- The Governor's Office of Crime Prevention, Youth, and Victim Services, in consultation with the Maryland Judiciary, may adopt regulations governing online access to shielded records by a victim services provider.