

HOUSE BILL 1298

M2, E2

2lr2134
CF SB 960

By: **Delegates Ghrist, Carey, Mautz, and Otto**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~Natural Resources~~ Criminal Procedure – Hunting and Fishing Offenses –
3 Expungement

4 FOR the purpose of authorizing a person to file a petition for expungement of certain
5 criminal records based on a conviction for certain hunting ~~or fishing~~ offenses;
6 ~~authorizing a person to file a petition for expungement of certain administrative~~
7 ~~records for a conviction based on certain hunting offenses;~~ and generally relating to
8 expungement for hunting ~~and fishing~~ offenses.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 10–110(a) ~~and (e)~~
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – ~~Natural Resources~~ Criminal Procedure
16 Section ~~4–1208~~ 10–110(c)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

19 ~~BY adding to~~
20 ~~Article – Natural Resources~~
21 ~~Section 10–1100~~
22 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2012 Replacement Volume and 2021 Supplement)~~

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

Article – Criminal Procedure

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:

(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, § 6–205 (fourth degree burglary), § 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) ~~TITLE 4 § 10–301, § 10–306, § 10–308.1, § 10–413(E)(1), § 10–418, § 10–502, § 10–611, OR § 10–907(A) OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE;~~

(XXIII) ~~TITLE 10 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE;~~

[(xxii)] ~~(XXIV)~~ (XXIII) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public Safety Article;

[(xxiii)] ~~(XXV)~~ (XXIV) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;

[(xxiv)] ~~(XXVI)~~ (XXV) § 9–124 of the State Government Article;

[(xxv)] ~~(XXVII)~~ (XXVI) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article;

[(xxvi)] ~~(XXVIII)~~ (XXVII) § 16–303 of the Transportation Article; or

1 [(xxvii)] ~~(xxx)~~ (xxviii) the common law offenses of affray, rioting,
2 criminal contempt, battery, or hindering;

3 (2) a felony that is a violation of:

4 (i) § 7–104 of the Criminal Law Article;

5 (ii) the prohibition against possession with intent to distribute a
6 controlled dangerous substance under § 5–602(2) of the Criminal Law Article; or

7 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

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

10 (c) (1) Except as provided in paragraphs (2) ~~[and (3)]~~ ~~THROUGH (5)~~ of this
11 subsection, a petition for expungement under this section may not be filed earlier than 10
12 years after the person satisfies the sentence or sentences imposed for all convictions for
13 which expungement is requested, including parole, probation, or mandatory supervision.

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

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

22 ~~(4) A PETITION FOR EXPUNGEMENT FOR A VIOLATION OF TITLE 4 OF~~
23 ~~THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE~~
24 ~~AUTHORITY OF THAT TITLE MAY NOT BE FILED EARLIER THAN:~~

25 ~~(i) 3 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE~~
26 ~~OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS~~
27 ~~REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF:~~

28 ~~1. THE PETITIONER HAS NOT BEEN CONVICTED OF A~~
29 ~~VIOLATION OF TITLE 4 OF THE NATURAL RESOURCES ARTICLE OR ANY~~
30 ~~REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE~~
31 ~~PRECEDING 3 YEARS; AND~~

32 ~~2. ANY LICENSE ISSUED TO THE PETITIONER UNDER~~
33 ~~TITLE 4 OF THE NATURAL RESOURCES ARTICLE HAS NEVER BEEN SUSPENDED OR~~
34 ~~REVOKED;~~

~~(II) 5 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF:~~

~~1. THE PETITIONER HAS NOT BEEN CONVICTED OF A VIOLATION OF TITLE 4 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE PRECEDING 5 YEARS; AND~~

~~2. ANY LICENSE ISSUED TO THE PETITIONER UNDER TITLE 4 OF THE NATURAL RESOURCES ARTICLE SHOWS NOT MORE THAN ONE SUSPENSION AND NO REVOCATIONS; OR~~

~~(III) 10 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF THE PETITIONER HAS NOT BEEN CONVICTED OF A VIOLATION OF TITLE 4 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE PRECEDING 10 YEARS, REGARDLESS OF THE NUMBER OF SUSPENSIONS OR REVOCATIONS.~~

~~(5) A PETITION FOR EXPUNGEMENT FOR A VIOLATION OF TITLE 10 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE MAY NOT BE FILED EARLIER THAN:~~

~~(I) 3 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF:~~

~~1. THE PETITIONER HAS NOT BEEN CONVICTED OF A VIOLATION OF TITLE 10 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE PRECEDING 3 YEARS; AND~~

~~2. ANY LICENSE ISSUED TO THE PETITIONER UNDER TITLE 10 OF THE NATURAL RESOURCES ARTICLE HAS NEVER BEEN SUSPENDED OR REVOKED;~~

~~(II) 5 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF:~~

~~1. THE PETITIONER HAS NOT BEEN CONVICTED OF A VIOLATION OF TITLE 10 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE PRECEDING 5 YEARS; AND~~

~~2. ANY LICENSE ISSUED TO THE PETITIONER UNDER TITLE 10 OF THE NATURAL RESOURCES ARTICLE SHOWS NOT MORE THAN ONE SUSPENSION AND NO REVOCATIONS; OR~~

~~(HH) 10 YEARS AFTER THE PETITIONER SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION, IF THE PETITIONER HAS NOT BEEN CONVICTED OF A VIOLATION OF TITLE 10 OF THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED UNDER THE AUTHORITY OF THAT TITLE FOR THE PRECEDING 10 YEARS, REGARDLESS OF THE NUMBER OF SUSPENSIONS OR REVOCATIONS.~~

~~Article Natural Resources~~

~~4-1208.~~

~~(a) In this section, "violation" means a violation of:~~

~~(1) Any provision of this title; and~~

~~(2) Any rule or regulation concerning fish and fisheries adopted by the Department.~~

~~(b) If a person applies for the expungement of the person's record concerning any violation, the Department shall expunge the record if, at the time of application:~~

~~(1) The person has not been convicted of a violation for the preceding 3 years, and any license issued to the person under this title has never been suspended or revoked;~~

~~(2) The person has not been convicted of a violation for the preceding 5 years, and any license issued to the person under this title shows not more than 1 suspension and no revocations; or~~

~~(3) The person has not been convicted of a violation for the preceding 10 years, regardless of the number of suspensions or revocations.~~

~~10-1109.~~

~~(A) IN THIS SECTION, "VIOLATION" MEANS A VIOLATION OF:~~

~~(1) ANY PROVISION OF THIS TITLE; AND~~

~~(2) ANY REGULATION CONCERNING WILDLIFE AND HUNTING
ADOPTED BY THE DEPARTMENT.~~

~~(B) IF A PERSON APPLIES FOR THE EXPUNGEMENT OF THE PERSON'S
RECORD CONCERNING ANY VIOLATION, THE DEPARTMENT SHALL EXPUNGE THE
RECORD IF, AT THE TIME OF APPLICATION:~~

~~(1) THE PERSON HAS NOT BEEN CONVICTED OF A VIOLATION FOR THE
PRECEDING 3 YEARS, AND ANY LICENSE ISSUED TO THE PERSON UNDER THIS TITLE
HAS NEVER BEEN SUSPENDED OR REVOKED;~~

~~(2) THE PERSON HAS NOT BEEN CONVICTED OF A VIOLATION FOR THE
PRECEDING 5 YEARS, AND ANY LICENSE ISSUED TO THE PERSON UNDER THIS TITLE
SHOWS NOT MORE THAN ONE SUSPENSION AND NO REVOCATIONS; OR~~

~~(3) THE PERSON HAS NOT BEEN CONVICTED OF A VIOLATION FOR THE
PRECEDING 10 YEARS, REGARDLESS OF THE NUMBER OF SUSPENSIONS OR
REVOCATIONS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.