

Expungement

In certain cases, state criminal case records may be expunged in the Maryland courts. There is a different process for expunging records from other Maryland agencies (such as the MVA) and for expunging juvenile records.

When can I file for expungement?

- If three years have passed **or** you file a waiver, **and**
 - you were found “not guilty,”
 - the state did not prosecute the charge against you (“nolle prosequi),” **or**
 - your case was dismissed.
- If three years have passed **and**
 - you received a probation before judgment (not in DUI or DWI cases),
 - the court placed your case on the “stet” docket,
 - you were charged with assault and all parties agreed to dismiss the case under §3-207 of the Criminal Law Article, **or**
 - the crime you were convicted of is a nuisance crime (see Criminal Procedure Article §10-105(a)(9) and (10)).
- If the crime for which you were convicted is no longer a crime, you may file at any time.
- If the case is ongoing, or if you have been ordered to attend drug or alcohol counseling, you usually must wait until the case is over and you have completed counseling.
- If you have been pardoned by the Governor, you may file within 10 years of the pardon.
- Sometimes you may file for expungement without waiting if you have “good cause.”

How do I file for expungement?

- Forms are available online at mdcourts.gov/legalhelp/expungement.html.
- Fill out the forms, pay the fee (if not waived), and file in the clerk’s office of the court where your case was heard.
- The court will serve the state’s attorney’s office with your petition for expungement.
- The process may take up to three months. If there is an objection, the case will take longer because the court must schedule a hearing. If the court schedules a hearing, you will receive notice by mail.

Be sure to keep a copy of all documents from your case, including a final notice that your expungement was granted. Once a case is expunged, court documents are no longer available.

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