

AM I ELIGIBLE? / AM I NOT ELIGIBLE?

Refer to Criminal Procedure Article §§ 10-105, 10-107, and 10-110 for specific filing requirements for eligibility.

You are NOT eligible:

- other than certain cannabis charges, unless ALL charges in your case can be expunged. (If two or more charges arise from the same incident, they are considered a unit. However, minor traffic charges are not part of the unit. Related minor traffic charges that arise out of the same incident do not affect your right to expungement of other charges in the unit.)
- if you are a defendant in an active criminal case, including jailable traffic violations. However, if the case you are trying to expunge was closed with a verdict of not guilty, nolle prosequi, acquittal, or dismissal, you may be eligible.
- if you received a Probation Before Judgment (PBJ) and within three years of receiving the PBJ you were convicted of a new offense. (The PBJ cannot be expunged if the new conviction is not eligible for expungement.)
- if you were convicted of Driving While Intoxicated or Driving While Under the Influence.
- if your case includes minor traffic charges only. The court does not have the authority to expunge minor traffic offenses. Only the MVA can expunge minor traffic offenses. See Transportation Article § 16-117.1.

Civil cases, including child support, liens, judgments, peace orders and protective orders CANNOT be expunged.

If there is outstanding restitution, your petition for expungement may be denied by the court.

WHEN TO FILE FOR EXPUNGEMENT OF CONVICTION:

In order to be eligible for expungement, you must have satisfied your sentence including any supervision. Certain misdemeanor convictions may be filed **after five (5) years**. Certain felony convictions, assault in the second degree and common law battery convictions may be filed **after seven (7) years**. First or second degree burglary and felony theft may be filed **after 10 years**. Domestically related convictions may be filed **after 15 years**.

For a list of expungable guilty offenses and the appropriate times to file, please see *form CC-DC-CR-072G2*.

Pardon – If you want to clear your record of a conviction that is not eligible for expungement, you must first get a pardon from the Governor. An expungement based on a pardon must be filed **within 10 years** from the date the Governor signed the pardon. For more information on this process, you may contact the Maryland Parole Commission at **1-877-241-5428** or visit: dpscs.state.md.us/agencies/mpc.shtml

WHERE DO I FILE MY PETITION FOR EXPUNGEMENT?

In general, you will file your petition for expungement in the court where the case was concluded.

If your case was appealed, remanded, or transferred, please consult with an attorney, or the Court Help Center at **410-260-1392** or visit: mdcourts.gov/helpcenter



Scan the above QR Code to find more information about expungements from the Judiciary's website

This brochure details the process of the expungement of adult criminal case records and eligible civil citations. For information related to the expungement of juvenile records, please contact the juvenile division of the circuit court where the case was filed.

Contact information can be found at:
mdcourts.gov/circuit

For more information on Maryland courts and their procedures, please contact a clerk in any state or county courthouse.

For more information about the Maryland Judiciary, visit the website:

mdcourts.gov

It is the mission of the Maryland Judiciary to provide equal and exact justice for all who are involved in litigation before the court.

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CC-DC-CR-072BR (Rev. 10/2024)



Expungement

How to Expunge Court Records

DO I NEED TO FILE A PETITION? IF SO, WHICH PETITION SHOULD I FILE?

After October 1, 2021, any case that resulted in acquittal, dismissal, not guilty, or nolle prosequi will be automatically expunged after three (3) years if you take no action. However, you do not have to wait for the automatic expungement, and you may want to file a petition.

There are three (3) types of Petitions for Expungement of Records:

Use form **CC-DC-CR-072A** - *Acquittal, Dismissal, PBJ, Nolle Prosequi, Stet, or Not Criminally Responsible* if:

- your petition is based on an acquittal, not guilty, a nolle prosequi, or a dismissal. You may file three (3) years after disposition. You may file earlier than three (3) years if you sign and file a General Waiver and Release of all of your legal claims arising from the charge.
- your petition is based on a PBJ. You may file after probation is completed or three (3) years after probation was granted, whichever date is later. However, if your probation was completed in less than three (3) years, you may file a motion for a good cause exception and the court will decide whether there is good cause to grant an early expungement.
- the petition is based on a stet. You may file three (3) years after the case was marked stet on the docket. However, if it is less than three (3) years you may file a motion for a good cause exception and the court will decide whether there is good cause to grant an early expungement.
- the petition is based on a finding of Not Criminally Responsible (NCR) for specified nuisance crimes such as, but not limited to, urinating in public or open container. You may file three (3) years after the NCR finding is made.

Use form **CC-DC-CR-072B** - *Guilty Disposition* if:

- your petition is based on a guilty disposition.

Use form **CC-DC-CR-072C** - *Acquittal, Dismissal, Not Guilty, or Nolle Prosequi (Less than 3 Years Has Passed Since Disposition)* if:

- you would like to file to have your case expunged before the case is scheduled to be automatically expunged. A case will be automatically expunged in three (3) years if the case was closed with a final disposition of acquittal, not guilty, dismissal, or nolle prosequi.

I WANT TO EXPUNGE A GUILTY CHARGE:

If you were found guilty, you may still be eligible for expungement.

A person is eligible to file if they were convicted of:

- a criminal offense that is no longer a crime.
- certain nuisance crimes.
- cannabis possession under Criminal Law Article § 5-601.
- specified crimes under Criminal Procedure Article § 10-110.

A person is also eligible to file if they received a citation for civil possession of cannabis under Criminal Law Article § 5-601.1.

WHAT DOES IT COST TO FILE FOR EXPUNGEMENT? CAN THE FEES BE WAIVED?

There is no charge to expunge a case with a disposition of acquittal, not guilty, dismissal, PBJ, nolle prosequi, stet, or NCR.

There is a \$30 fee to file a petition for expungement of records with a guilty disposition (CC-DC-CR-072B). Filing fees are non-refundable. If you cannot afford the fee, you may request that the court waive the filing fee by filing a Request for Waiver of Prepaid Costs (CC-DC-089).

WHAT CAN I EXPECT AFTER EXPUNGEMENT?

The expungement process takes about **90 days** from the date that you file your petition.

- The State’s Attorney’s Office has 30 days from when they receive the petition to object to any petition for expungement.
- If no objection is filed after 30 days, the court will issue an order to any agency involved in the case and they have 60 days to comply with the court’s order to expunge the records.

You will receive a Certificate of Compliance in the mail to notify you that your expungement has been completed.

The Criminal Justice Information Service (CJIS) handles expungements for the entire State of Maryland. Expungements are processed in the order in which they are received, but CJIS compliance may take longer than 60 days.

FREQUENTLY ASKED QUESTIONS

Do I have to disclose my expunged charges?

- You may be required to disclose information about expunged cases in certain situations not governed by Maryland law. If you are unsure about how to comply with the law, consult with an attorney for advice, contact the Court Help Center at 410-260-1392 or visit: mdcourts.gov/helpcenter

Will the public still be able to view records on case search after the record is expunged?

- No

Do I need an attorney?

- No, but an attorney may be helpful to you.

Will a bench warrant be issued if I do not appear for an expungement hearing?

- No, but your petition may be dismissed.