

GUIDE TO EXPUNGEMENT OF NUISANCE CRIMES

A defendant may petition for expungement if a guilty verdict was entered for a specified public nuisance crime under Criminal Procedure 10-105 (a)(9) and at least three years have passed since the conviction or satisfactory completion of probation, whichever is later, and since the date of conviction, the defendant has not been convicted of any crime, other than a minor traffic violation and is not now a defendant in a pending criminal action.

The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, or conviction has been convicted of a crime other than a minor traffic violation; or
2. is a defendant in a pending criminal proceeding.

Criminal Procedure 10-107

(a)(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) (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.

Criminal Procedure 10-105 (Nuisance Crimes)

(a)(9) the person was convicted of a crime 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.

Transportation Article 7-705:

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| 7-705 a1 | Failure to pay fare in required manner |
| 7-705 a2i | Failure to pay applicable fare |
| 7-705 a2ii | Failure to exhibit proof of payment |

- 7-705 a2iii Failure to provide truthful identification
- 7-705 b1 Expectorating in transit vehicle, transit facility, or train
- 7-705 b2 Smoking or carrying lighted tobacco products in transit vehicle, transit facility, or train
- 7-705 b3 Consuming food or drink or carrying open food or beverage container in transit vehicle, transit facility, or train
- 7-705 b4 Discarding litter in transit vehicle, transit facility, or train
- 7-705 b5 Playing or operating radio, tape player, or similar electronic device in transit vehicle, transit facility, or train
- 7-705 b7 Carrying or possessing live animals in transit vehicle, transit facility, or train
- 7-705 b8 Obstructing/hindering/disturbing operation or operator of transit vehicle or railroad passenger car
- 7-705 b9 Boarding transit vehicle through rear door
- 7-705 b10 Urinating or defecating in transit vehicle, transit facility or train
- 7-705 b11 Failure to move to rear of transit when requested to do so
- 7-705 b12 Failure to vacate elderly or handicapped seat when requested to do so
- 7-705 b13 Except as by contract with the Mass Transit Administration, soliciting the purchase of goods or services in transit vehicle, transit facility or train