

Expungement completely removes a criminal record from public view. Expunged information will not show up in background checks. You are not legally required to tell employers about an expunged record. This brochure is about expunging criminal records about you from Maryland state court records only.

Who uses expungement?

Defendants in state **criminal** cases.

If you are the **respondent** in a **peace or protective order case**, your case is **civil**, not criminal. See the brochure: *Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case?* If the state brought a criminal case against you for the same incident, you might have both a civil and criminal case.

If you want to limit public access in your civil case, or if you are a victim or witness in a criminal case, see the brochure: *Can I Keep the Public from Seeing Information about Me in a Court Case?* (including if you are the **petitioner** in a peace or protective order case).

In many instances, you cannot file for expungement if you are **now** a defendant in any criminal action that has a possible sentence of jail time. In some instances, you cannot file for expungement if you were convicted of another crime after the crime for which you are seeking expungement.

How do I file for expungement?

For Maryland state court records, you can file a "Petition for Expungement of Records" (form CC-DC/CR-72) and if necessary, a "General Waiver and Release" (form CC-DC/CR-78). File the form with the Clerk's Office of the court that heard your case, in person or by mail.

Apply for expungement of each offense based on the date of arrest, the date on which the police served you with a citation, or the date on which you were served with a summons.

There is no way to expunge all of your criminal records at once. Your criminal records can also be expunged from Motor Vehicle Administration files and police files. Each process removes very specific files. Contact each agency that has criminal records about you to find out their expungement procedures.

Expungement of Criminal Records

I am the defendant in a criminal case, can I file for expungement?

Yes, if:

Maryland's Governor ***pardoned*** you;

or

The case was filed against you as a ***juvenile***, initially in criminal court and then was later transferred to juvenile court; *

or

You can show ***good cause***.

Yes, if three (3) years have passed and:

You received ***probation before judgment*** (except DUI/DWI)

or

The court ***indefinitely postponed*** your case ("stet");

or

The crime you were convicted of is listed in MD. CODE, CRIMINAL PROCEDURE § 10-105(a)(9).

Yes, if three (3) years have passed OR you file a "General Waiver and Release" [form CC-DC/CR-78] † and:

You were found ***not guilty*** ("acquitted");

or

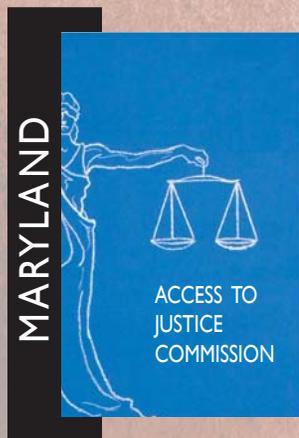
The state ***did not prosecute*** the charge against you ("nolle prosequi").

* Juvenile delinquency records are always confidential. Juvenile records are maintained in a separate system from adult criminal records. File your petition for expungement with the clerk in the Juvenile court that heard your case.

† Filing this form waives certain legal rights you may have. You may want to speak to a lawyer before doing so.

Must I tell anyone about information that the court expunged?

Under MD. CODE, CRIMINAL PROCEDURE § 10-109, an employer or educational institution may not require, as a condition of employment or admission, that you disclose expunged information about yourself. This includes the state government. The state also may not require you to disclose expunged information when you apply for a state license, permit, or other registration.



www.mdcourts.gov/mdatjc

410.260.1258

For more information

Expungement can be complicated. See the Maryland Judiciary's Expungement brochure online at www.mdcourts.gov/expungement.

Court forms are available on the Maryland Judiciary's website at www.mdcourts.gov/courtforms.

Read Maryland's laws at www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html.

Visit the People's Law Library of Maryland, an online legal resource, at www.peoples-law.org.

Visit any public law library in person. Call 410.260.1430 or find out more online at www.mdcourts.gov/lawlib.

Visit or call the Clerk's Office of the court that heard your case.