# GUIDE FOR SHIELDING OF MARYLAND SECOND CHANCE ACT RECORDS
## (Criminal Procedure §§ 10-301 through 10-306)

**What does "shield" mean under the Maryland Second Chance Act?**
"Shield" means to render a court record and police record relating to a conviction of one of twelve specified crimes inaccessible by members of the public. This authorization does not apply to a conviction for a domestically related crime.

1) **Disorderly Conduct** under § 10-201(c)(2) of the Criminal Law Article;
2) **Disturbing the Peace** under § 10-201(c)(4) of the Criminal Law Article;
3) **Failure to Obey a Reasonable and Lawful Order** under § 10-201(c)(3) of the Criminal Law Article;
4) **Malicious Destruction of Property in the Lesser Degree** under § 6-301 of the Criminal Law Article;
5) **Trespass on Posted Property** under § 6-402 of the Criminal Law Article;
6) **Possessing or Administering a Controlled Dangerous Substance** under § 5-601 of the Criminal Law Article;
7) **Possessing or Administering a Noncontrolled Dangerous Substance** under § 5-618(a) of the Criminal Law Article;
8) **Use of or Possession with Intent to Use Drug Paraphernalia** under § 5-619(c)(1) of the Criminal Law Article;
9) **Driving without a License** under § 16-101 of the Transportation Article;
10) **Driving While Privilege is Canceled, Suspended, Refused, or Revoked** under § 16-303 of the Transportation Article;
11) **Driving While Uninsured** under § 17-107 of the Transportation Article; or
12) **A Prostitution Offense** under § 11-303 (formerly § 11-306(a)(1)) of the Criminal Law Article if the conviction is for prostitution and not assignation.

**How is shielding different from expungement?**
Shielding keeps some or all information in a case private from public inspection, under certain circumstances. Expungement removes court and police records from public inspection.

**What is the cost for second chance shielding of record(s)?**
The filing fee is $30 and is nonrefundable, even if the petition is denied. The fee is for all eligible cases contained within the petition, not per case. If you cannot afford the fee, you may request that the court waive the filing fee.

**Where should a person file their petition for shielding of eligible criminal records?**
In the circuit or District Court in which the case(s) was concluded. A person is only eligible for one (1) shielding over the person's lifetime, and must decide to petition to shield criminal convictions in **either** the circuit or District Court **AND** in only one (1) county. For instance, if a person has more than one (1) eligible conviction in **both** circuit and District Courts in various counties, you may only petition in **one (1) Court** (circuit or District), in **one (1) County**.

**Is there a limit to the number of shielding petitions that may be granted?**
A person may be granted only **one** (1) shielding petition **over the person's lifetime**.

**How long must a person wait until they are eligible to shield convictions?**
A person may petition to shield their court record no earlier than three (3) years after the person satisfies the sentence imposed for all convictions for which shielding is requested, including parole, probation, or mandatory supervision.

**Can a record be eligible for shielding if a person has pending criminal charges?**
If the person is a defendant in a pending criminal proceeding, their records are not eligible for shielding.

**Can a record be eligible for shielding if a subsequent conviction occurs during the waiting period for shielding?**
If the person is convicted of a new crime during the applicable time period, the original conviction or convictions are not eligible for shielding unless the new conviction becomes eligible for shielding.

**Can a record be eligible for shielding if one of the charges in the case is not eligible for shielding?**
If the person is not eligible for shielding of one conviction in a "unit," the person is not eligible for shielding of any other conviction in the unit. "Unit" means two (2) or more convictions that arise from the same incident, transaction, or set of facts.

**What is the process for requesting shielding?**

A person or an attorney files a petition to shield conviction records with the appropriate court. The court then serves the petition for shielding on the State's Attorney's Office and sends written notice to all listed victims in the case(s) in which shielding is being requested. The State's Attorney's Office has thirty (30) days to file an objection. In addition, the victim(s) has/have the right to object or offer additional information relevant to the petition for shielding in all proposed actions. If an objection is filed, the court will hold a hearing. If no objection is filed, a judge will grant or deny the petition. The court will issue an Order for Shielding for each case listed where shielding was granted.

**If the petition for shielding is granted, will the information appear on the Maryland Judiciary Case Search website?**

The Maryland Judiciary Case Search website may not in any way refer to the existence of specific shielded records.

**Who has access to shielded information under the Maryland Second Chance Act?**

A shielded record must remain fully accessible by:

1) criminal justice units for legitimate criminal justice purposes;
2) prospective or current employers or government licensing agencies that are subject to a statutory or regulatory requirement or authorization to inquire into the criminal background of an applicant or employee for purposes of carrying out that requirement or authorization;
3) a person that is authorized or required to inquire into an individual's criminal background under § 5-561(b), (c), (d), (e), (f), or (g) of the Family Law Article;
4) the person who is the subject of the shielded record and/or that person's attorney;
5) health occupations boards established under the Health Occupations Article;
6) the Natalie M. LaPrade Medical Cannabis Commission established under Title 13, Subtitle 33 of the Health-General Article;
7) a person that uses volunteers who care for or supervise children;
8) a person that attests under penalty of perjury that the person employs or seeks to employ an individual to care for or supervise a minor or vulnerable adult, as defined in § 3-604 of the Criminal Law Article;
9) a person who is accessing a shielded record on behalf of and with written authorization from an entity described in Items (1) through (8).

**Can an employer consider a case that has been shielded?**

Yes; however, an employer may not require a person who applies for employment to disclose shielded information about criminal charges in an application, an interview, or otherwise. They also may not discharge or refuse to hire a person solely because the person refused to disclose information about criminal charges that have been shielded.

**Can a school refuse to admit or expel me based on a case that has been shielded?**

An education institution may not require a person who applies for admission to the institution to disclose shielded information about criminal charges in an application, an interview, or otherwise. They also may not expel or refuse to admit a person solely because the person refused to disclose information about criminal charges that have been shielded.

**Can a unit, an official, or an employee of the State or a political subdivision deny my application for a permit, registration, or government services based on a case that has been shielded?**

A unit, official, or employee of the State or political subdivision of the State cannot require a person who applies for a permit, registration, or government service to disclose shielded information about criminal charges in an application, interview, or otherwise. They also cannot deny a person's application for a permit, registration, or government service solely because a person refused to disclose information about shielded criminal charges.