

Expungement-Part 5 (When to File)

Maryland expungement law is complex. Your case status and the sentence you received, if any, determine when you may ask the court to expunge your record. This video covers the correct time to file for expungement. Questions? Contact a lawyer at the Maryland Court Help Center at 410-260-1392.

Watch the Video



For All Cases

- If you are a defendant in an ongoing criminal case, wait until the case is over before filing for expungement.
- If the court ordered you to complete something such as drug or alcohol counseling, restitution, or community service, finish what was ordered before asking the court to expunge your record.
- Wait periods apply to cases otherwise eligible for expungement. This means you must wait a certain period of time before requesting an expungement. The wait times are listed in the chart below. However, the court may grant an expungement at any time upon a showing of good cause for expungements based on dispositions of PBJ, stet, nolle prosequi, acquittal, or dismissal; pardons; convictions for nuisance crimes; findings of not criminally responsible of a nuisance crime, trespass, disturbing the peace, or telephone misuse; and convictions of possession of cannabis.

Case Types with a Required Wait Time of 0-3 Years

Conviction for an act which is no longer a crime	No required wait time
Conviction of possession of cannabis (marijuana)	File for expungement after completion of sentence, including probation
Cases that ended with acquittal, dismissal, not guilty, or nolle prosequi	Three years -- With these favorable dispositions, you may file earlier if you file a General Waiver and Release form
Cases that ended with probation before judgment (PBJ)	Three years after disposition or after discharge from probation, whichever is later.
Cases placed on Stet	Three years from the date of the disposition.
Conviction for a nuisance crime	Three years after completing your sentence
You were found "not criminally responsible" for trespass, disturbing the peace, or telephone misuse	Three years after the date of your disposition



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Expungement, Part 5 (When to File)

Page 2

You were charged with assault and all parties agreed to dismiss the case	Three years after the date of dismissal
The dispositions of all charges were entered on or after October 1, 2021 and had a disposition of nolle prosequi, dismissal, acquittal, or not guilty	Three years after the disposition date the court will automatically expunge your case. You may apply to expunge sooner.
Conviction of possession of cannabis (marijuana) with intent to distribute	Three years after satisfaction of sentence, including parole, probation, or mandatory supervision

Case Types with a Required Wait Time of 5-10 years

Convictions pardoned by Maryland's Governor	Within 10 years of the Governor signing the pardon
Most misdemeanor convictions listed in MD Code, Criminal Procedure § 10-110	5 years after completing the sentence, including parole, probation or mandatory supervision
Second-degree assault Common law battery	7 years after satisfaction of all sentences, including parole, probation, or mandatory supervision
Some felony convictions	7 years after satisfaction of sentence
First or Second-degree burglary Felony violations of General Theft in MD Code, Criminal Procedure § 7-104	10 years from satisfaction of sentence

Case Types with a Required Wait Time of 15 Years

Conviction for a domestically-related crime listed in MD Code, Criminal Procedure § 6-233	15 years after sentence completion
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