

A Maryland Judiciary Production  
*My Laws, My Courts, My Maryland*  
***EXPUNGEMENT: ELIGIBILITY IF YOU WERE CONVICTED -- PART 1***

Welcome to the Maryland Courts' video series on expungement.

In certain circumstances, you may ask the court to expunge your criminal record. If the court grants your request, information about your case will be removed from court and law enforcement records.

This video examines expungement for individuals who were found guilty or pled guilty. If your case had a different outcome, see the other videos in this series. You can find your case disposition, or status, on your court paperwork. This information is also available on Case Search at [mdcourts.gov/casesearch](http://mdcourts.gov/casesearch).

The purpose of this video series is to explain the expungement process for adult court and law enforcement records only. It does not address juvenile records or records from other state agencies.

You will be learning a lot of new terms, so consider using the tip sheet and taking notes. You can find the link to the tip sheet on this video's webpage. Let's get started with a discussion about convictions that are eligible for expungement.

## **CHAPTER HEADING FULL SCREEN TEXT: ELIGIBLE CONVICTIONS**

If you were charged with a crime and pled guilty, or were found guilty after trial, your case is eligible for expungement under certain conditions.

A conviction can be expunged only if it meets one of these conditions:

You were found guilty of an act that is no longer a crime.

The governor pardoned you.

The crime was a certain nuisance crime, misdemeanor, or felony.

You were convicted of possession of cannabis or common law battery.

To determine if your conviction can be expunged, you may need to know under what

## **CHAPTER HEADING FULL SCREEN TEXT: KNOWING THE STATUTES**

If you're not sure what Maryland law or statute you were charged with, look in Case Search under the heading "Charge and Disposition Information." The law under which you were charged is listed after the word "Statute."

Nuisance crime convictions eligible for expungement are listed in the Maryland Code in the Criminal Procedure Article. Look in Section 10-105, sub-section 9. The list includes panhandling, loitering, sleeping in parks, failure to prove transit payment, and public drinking, to name a few. Make sure you check the law for the most up-to-date list. If your conviction is on that list, it may be eligible for expungement.

There are also hundreds of misdemeanor convictions eligible for expungement. Examples include theft, prostitution, second degree assault, trespass, and possession of a controlled dangerous substance or paraphernalia. Check the Criminal Procedure Article, Section 10-110 for the full list. You can find the list of misdemeanors online at [mdcourts.gov/legalhelp/expungement](http://mdcourts.gov/legalhelp/expungement).

If you need help with legal research, ask a local law librarian or call the Maryland State Law Library at 410-260-1430.

There are specific felony convictions eligible for expungement. These felonies are theft, possession with intent to distribute a controlled dangerous substance, and burglary. Your conviction may also be eligible for expungement if the underlying crime was possession of cannabis or common law battery.

Even if your conviction falls into one of the categories we have discussed, an exception may prevent your case from being eligible for expungement. Let's go over the exceptions.

## **CHAPTER HEADING FULL SCREEN: EXCEPTIONS**

You cannot expunge a court record if you are currently a defendant in a pending criminal action. Also, your conviction cannot be expunged if even one of the charges in your case is ineligible.

Let me explain.

Let's say you were charged with multiple crimes in a single instance known as a "unit." If one of those charges is not eligible for expungement, then all charges in that unit are ineligible. If you had a minor traffic offense that didn't involve jail time or a charge for possession of cannabis, don't worry; the court does not take these offenses into consideration.

## **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Let's do a quick review of Maryland convictions eligible for expungement. The first type involves conduct that is no longer a crime. The second type is a conviction that was pardoned by the Governor. There are also eligible nuisance crimes, misdemeanors, and felonies. Lastly, convictions for cannabis possession and common law battery may also be expunged.

Don't forget about the exceptions. Is there a second conviction? Are you currently a defendant?

One last thing: Before you ask the court to expunge your conviction, be sure you know how long you must wait before submitting your petition. View the expungement video in this series on when to file.

On behalf of the Maryland Courts, we hope this information helps when asking the court to expunge your conviction. Thanks for watching.