

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

Welcome to the Maryland Courts' six-part video series on expungement.

It's important for court records to be open to the public, but 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

These videos cover expungement of adult court and law enforcement records only. They do 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. Let's get started with a discussion about convictions that are eligible for expungement.

**CHAPTER HEADING FULL SCREEN TEXT: ELIGIBLE CONVICTIONS AS OF
OCTOBER 1, 2018**

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

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

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

Two: The governor pardoned you.

Three: The crime was a certain nuisance crime, misdemeanor, or felony

Four: You were convicted of marijuana possession or common law battery.

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You may need to know under what Maryland law or statute you were charged to determine if your conviction can be expunged.

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. There are more, so 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 may also find the list of misdemeanors online at 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.

Three specific felony convictions are also 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 marijuana 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'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. Minor traffic offenses that don't involve jail time are not taken 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 which was pardoned by the Governor. There are also eligible nuisance crimes, misdemeanors and felonies. Lastly, convictions for marijuana 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.