

Welcome to the Maryland Courts' video series on expungement.

In certain cases, 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.

In this six-part series, you'll learn about case types that may be eligible for expungement. This video only covers expungement eligibility in cases that ended with probation before judgment. 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.

Please keep in mind, this series only covers the expungement of adult court and law enforcement records. It does not address juvenile records or records from other state agencies.

You will be learning a lot of new information, 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 our discussion on expunging records in cases that resulted in probation before judgment, also known as PBJ.

CHAPTER HEADING FULL SCREEN TEXT: ELIGIBLE PROBATION BEFORE

JUDGMENT CASES

The law on expungement of PBJ cases can be complicated. It's also a fairly common disposition.

That's why we single it out for discussion in this video. A case that ends in PBJ may be eligible for expungement under certain conditions.

The law gets tricky here. There are several exceptions that may make a PBJ case ineligible.

Let's go over those now.

CHAPTER HEADING: EXCEPTIONS

Driving While Intoxicated and Driving While Impaired are two case types that are ineligible for expungement. The court cannot expunge your case if you received a disposition of Probation Before Judgment in a DWI or DUI case.

The court cannot expunge your case if, in the three years since the court entered a PBJ ruling, you were convicted of another crime. However, you can still request expungement if the PBJ or subsequent conviction was for conduct that is no longer a crime under Maryland law.

Additionally, minor traffic offenses that don't involve jail time are not taken into consideration.

Your PBJ case cannot be expunged if you are a defendant in a pending criminal case.

Finally, you may have been charged with multiple criminal acts for the same event or incident.

These charges are part of the same “unit.” If any charge in that unit is ineligible for expungement, then the PBJ charge is not eligible. Minor traffic offenses and possession of cannabis don’t count.

CHAPTER HEADING: SUMMARY

Let’s do a final review of Probation Before Judgment expungements. A case that ends in PBJ may be eligible for expungement, but there are some exceptions. Those exceptions include DUI and DWI, cases where you had a subsequent conviction, or if you have a pending criminal case. For cases involving conduct that is no longer a crime, subsequent convictions do not affect eligibility to expunge your record. The final exception applies to cases in which another charge in the same “unit” is not eligible for expungement.

One last thing: Before you ask the court to expunge your PBJ, be sure you know how long you must wait before submitting your petition. There is a required waiting period. Part 5 of this series explains when to file.

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EXPUNGEMENT: ELIGIBILITY IF YOUR CASE ENDED WITH PBJ – PART 3

Thanks for watching. I hope this video has been helpful.