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EXPUNGEMENT: WHEN IS THE RIGHT TIME TO FILE – PART 5

Welcome to the Maryland Courts' six-part video series on expungement. This video covers the correct time to file for expungement. 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.

If you're watching this video, you've determined that your case is eligible for expungement. But, when is the right time to file? We'll start with cases that require no waiting period and work up to the convictions that require you to wait 15-years. We'll also identify case types that permit you to file earlier by submitting a waiver to the court.

You'll be learning a lot of new information, so consider using the tip sheet and taking notes. Let's start with a discussion that applies to every case type.

CHAPTER HEADING: A COMPLETED CASE

If you are the 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, make sure to finish what was requested before asking the court to expunge your record.

Now, we'll move on to those case types that require the shortest wait times.

CHAPTER HEADING: NO TIME TO THREE YEARS

You may file for expungement immediately if you were convicted of an act which is no longer a crime under Maryland law.
If your case ended with an acquittal, not guilty, dismissal or "nolle pross," wait three years before filing for expungement. With these three favorable dispositions, you may file earlier than

three years if you file a General Waiver and Release form. Be sure to watch the video on expungement forms to learn about the rights you are waiving.

A three-year wait period also applies if your case ended with probation before judgment, also known as PBJ. File your expungement form three years after disposition or after discharge from probation, whichever is later.

If your case was "stetted," it is eligible for expungement after three years from the date of the disposition.

If you were convicted of a nuisance crime, you must wait three years after completing your sentence. If you were found not criminally responsible for trespass, disturbing the peace or telephone misuse, you may file for expungement three years from the date of your disposition.

Finally, were you charged with assault? Did all parties agree to dismiss the case? If so, wait three years before asking the court to expunge your record.

Now, let's move onto case types that require wait periods longer than three years.

CHAPTER HEADING FULL SCREEN TEXT: FOUR TO TEN YEARS

Only one case type requires a four-year wait before you may ask the court to expunge your record. If you were convicted of possession of more than 10 grams of marijuana, file expungement papers four years after that disposition.

A pardon from the Governor is another unique case type. If you were pardoned, file for expungement within 10 years of the Governor signing the pardon.
If you were convicted of a misdemeanor listed in the Maryland Code's Criminal Procedure Article in Section 10-110, then your case is eligible for expungement 10 years after you complete your sentence, including parole, probation or mandatory supervision.

Now, let's discuss those case types with the longest waiting periods.

CHAPTER HEADING FULL SCREEN TEXT: FIFTEEN YEARS

If you were convicted of common law battery, second degree assault, or a domestically-related crime listed in the Maryland Code's Criminal Procedure Article in Section 6-233, your case is not eligible for expungement until 15-years after you completed your sentence. That includes any parole, probation or mandatory supervision.

The same 15-year wait applies if you have a felony conviction for burglary, theft, or possession with intent to distribute a controlled dangerous substance.

Yes, the wait times for expungement can be complex. If you have *any* questions, contact a lawyer at the Maryland Courts Self-Help Center. The number is 410-260-1392.

Let's do a quick review.

CHAPTER HEADING: SUMMARY

Most cases with favorable dispositions require that you wait three years before asking the court to expunge your record. In some of those cases, you may waive the delay. Wait four years if you were convicted of possession of more than 10 grams of marijuana, and three years if you were charged with a nuisance crime. Eligible misdemeanor convictions require 10-years. Certain battery convictions and felony convictions require a 15-year wait.
On behalf of the Maryland Courts, we hope this information about when to file for expungement is helpful. Thanks for watching.