

**Police and Criminal Records - Expungement of Records - Nolle Prosequi Before Service**

FOR the purpose of authorizing the ~~court~~ District Court to order expungement of certain records relating to certain criminal charges if the State enters a nolle prosequi as to all charges ~~on a District Court charging document that in a criminal case within the jurisdiction of the District Court with which a defendant~~ has not been served on a defendant, unless the State objects and shows cause why a record should not be expunged; prohibiting ~~a court~~ the District Court from assessing costs against a defendant for certain proceedings; and generally relating to the expungement of records under certain circumstances.

BY adding to

Article 27 - Crimes and Punishments

Section 736A

Annotated Code of Maryland

(1996 Replacement Volume and 1999 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 27 - Crimes and Punishments**

736A.

(A) UNLESS THE STATE OBJECTS AND SHOWS CAUSE WHY A RECORD SHOULD NOT BE EXPUNGED, IF THE STATE ENTERS A NOLLE PROSEQUI AS TO ALL CHARGES ~~ON A DISTRICT COURT CRIMINAL CHARGING DOCUMENT THAT IN A CRIMINAL CASE WITHIN THE JURISDICTION OF THE DISTRICT COURT WITH WHICH A DEFENDANT HAS NOT BEEN SERVED ON A DEFENDANT~~, THE DISTRICT COURT MAY ORDER EXPUNGEMENT OF ANY COURT RECORD, POLICE RECORD, OR ANY OTHER RECORD THAT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE KEEPS AS TO THE CHARGES.

(B) A THE DISTRICT COURT MAY NOT ASSESS ANY COSTS AGAINST A DEFENDANT FOR A PROCEEDING UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.

May 18, 2000

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today