

## GUIDE TO EXPUNGEMENT OF NUISANCE CRIMES

### **A defendant may petition for expungement if found:**

- guilty for a crime specified in Code\*, Criminal Procedure Article § 10-105(a)(9) and at least three (3) years have passed since the conviction or satisfactory completion of the sentence, including probation, whichever is later.
- not criminally responsible for a crime specified in Code\*, Criminal Procedure Article § 10-105(a)(9) or (a)(10) and at least three (3) years have passed since the finding of not criminally responsible.

### **The person is not entitled to expungement if:**

- the petition is based on the entry of probation before judgment, **except** a probation before judgment for a crime where the act on which the conviction is based is no longer a crime; **and**
- the person within three (3) years of the entry of the probation before judgment has been convicted of a crime\*\*; or the person is a defendant in a pending criminal action\*\*.

### **Criminal Procedure § 10-107**

(a)(1) In this subtitle, if two (2) or more charges, other than one (1) for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit.

(2) A charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit is not a part of the unit.

(b)(1) If a person is not entitled to expungement of one (1) charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge or conviction in the unit.

### **Criminal Procedure § 10-105 (Nuisance Crimes)**

(a)(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

- (i) urination or defecation in a public place;
- (ii) panhandling or soliciting money;
- (iii) drinking an alcoholic beverage in a public place;
- (iv) obstructing the free passage of another in a public place or a public conveyance;
- (v) sleeping on or in park structures, such as benches or doorways;
- (vi) loitering;
- (vii) vagrancy;
- (viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or
- (ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation Article, any of the acts specified in § 7-705 of the Transportation Article:

**Transportation Article § 7-705:**

- 7-705 a1 Failure to pay fare in required manner
- 7-705 a2i Failure to pay applicable fare
- 7-705 a2ii Failure to exhibit proof of payment
- 7-705 a2iii Failure to provide truthful identification
- 7-705 b1 Expecting in transit vehicle, transit facility, or train
- 7-705 b2 Smoking or carrying lighted or smoldering pipe, cigar, or cigarette in transit vehicle, transit facility, or train
- 7-705 b3 Consuming food or drink or carrying open food or beverage container in transit vehicle, transit facility, or train
- 7-705 b4 Discarding litter in transit vehicle, transit facility, or train
- 7-705 b5 Playing or operating radio, cassette, cartridge, tape player, or similar electronic device or musical instruments in transit vehicle, transit facility, or train
- 7-705 b7 Carrying or possessing live animals in transit vehicle, transit facility, or train
- 7-705 b8 Boarding transit vehicle through rear exit door
- 7-705 b9 Urinating or defecating in transit vehicle, transit facility or train
- 7-705 b10 Failure to move to rear of transit when requested to do so
- 7-705 b11 Failure to vacate elderly or handicapped seat when requested to do so
- 7-705 b12 Soliciting the purchase of goods or services in transit vehicle, transit facility, or train
- 7-705 f1 Obstructing, hindering, interfering with the operation or operator of transit vehicle or railroad passenger car or a person engaged in official duties as a station agent, conductor, or station attendant

**Criminal Procedure § 10-105**

(a)(10) the person was found not criminally responsible under any state or local law that prohibits misdemeanor:

- (i) trespass
- (ii) disturbing the peace; or
- (iii) telephone misuse

\* References to "Code" in this Guide are to the Annotated Code of Maryland.

\*\* References to "crime" and to "criminal action" in this Guide mean any criminal offense other than a violation of the vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment OR a crime where the act on which the conviction is based is no longer a crime.