



Limiting Access to Criminal Records Guide Sheet

Introduction

Maryland law offers several options to limit access to a record related to a criminal charge, such as expungement, shielding, and restrictions on information displayed on the Maryland Judiciary Case Search. This document contains information regarding these options.

Expungement

Maryland's statutes relating to expungement are contained in Title 10, Subtitle 1 of the Criminal Procedure Article. Except as otherwise specified, "expungement" of a court or police record for purposes of Title 10 means removal from public inspection (1) by obliteration; (2) by removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or (3) if access to a court record or police record can be obtained only by reference to another such record, by the expungement of that record, or the part of it that provides access.

The avenues for expungement of a record are described below. The procedures for expungement vary based on the disposition of the applicable charges. Most persons obtain an expungement through the filing of a petition. However, there are limited circumstances under which (1) a record must be automatically expunged or (2) a court may expunge a record on its own initiative.

Release Without Charge – Automatic Expungement (Criminal Procedure § 10-103.1)

If a person was arrested and released without being charged with a crime, police records relating to that arrest must be automatically expunged by the relevant law enforcement agencies within specified time periods at no monetary cost to the arrestee.

***Nolle Prosequi* of All Charges – Discretionary Expungement (Criminal Procedure § 10-104)**

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 in a criminal case within the jurisdiction of the District Court with which a defendant has not been served, the District Court may order expungement of all records relating to the case. No costs may be assessed against a defendant for such an expungement.

Expungement of Record After Charge Is Filed (Criminal Procedure §§ 10-105 and 10-110)

Unless automatic expungement applies (see below), a person who wishes to expunge a record pertaining to a criminal charge must file a petition for expungement with the court under §§ 10-105 or 10-110 of the Criminal Procedure Article. Section 10-105 applies to dispositions other than convictions and specified minor convictions; § 10-110 applies to convictions for approximately 100 specified misdemeanors and felonies.

Dispositions to Which § 10-105 of the Criminal Procedure Article Applies

Under § 10-105, a person who has been charged with the commission of a crime for which a term of imprisonment may be imposed or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition for expungement if:

- the person is acquitted;
- the charge is “otherwise dismissed”;
- a probation before judgment (PBJ) is entered, except for specified drunk driving-related charges¹;
- a *nolle prosequi* or *nolle prosequi* with the requirement of drug or alcohol treatment is entered;
- a *stet* or *stet* with the requirement of drug or alcohol treatment is entered;
- the case is compromised under Criminal Law § 3-207 (a provision authorizing a court to dismiss an assault charge if the victim and defendant agree);
- the charge was transferred to juvenile court;

¹ These exceptions include PBJs for charges under Title 2, Subtitle 5 of the Criminal Law Article (homicide by motor vehicle or vessel while impaired or under the influence) and Criminal Law § 3-211 (life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes). In addition, prior to October 1, 2024, expungement of a PBJ for *any charge* under § 21-902 of the Transportation Article (driving while under the influence or impairment of alcohol or drugs) was not permitted. However, Chapter 715 of 2024 authorized the expungement of a PBJ of a charge under Transportation Article § 21-902(a) (driving while under the influence of alcohol or under the influence of alcohol *per se*) or Transportation Article § 21-902(b) (driving while impaired by alcohol). Such a petition may not be filed within 15 years after the date the petitioner was discharged from probation. A person is not entitled to expungement if the petition is based on the entry of PBJ for a violation of Transportation Article § 21-902(a) or (b), and the person, within 15 years after entry of the PBJ, has (1) been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime or (2) received a PBJ for a violation of Transportation Article § 21-902.

- the person is convicted of one criminal act that is not a crime of violence and is granted a full and unconditional pardon by the Governor;
- the person was convicted of or found not criminally responsible for a specified public nuisance crime or other misdemeanor;
- the person was convicted of a crime that is no longer a crime (except the former crime of sodomy under certain circumstances);
- the person was convicted of possession of cannabis; or
- the person was convicted of a crime and the conviction was vacated due to the person being a victim of human trafficking, as specified.

Please see the section on the “unit rule” below for information on eligibility in cases involving multiple charges.

Waiting Periods under Criminal Procedure § 10-105

The filing of a petition under § 10-105 is generally subject to the following waiting periods:

- ***Acquittal, Nolle Prosequi, or Dismissal*** – Three years after the disposition unless the petitioner files a written waiver and release of all tort claims arising from the charge.
- ***PBJ (Except a PBJ for a Drunk Driving-related Charge)***² – The petitioner’s discharge from probation or three years after the probation was granted, whichever is later.
- ***Stet with the Requirement of Drug or Alcohol Abuse Treatment*** – The petitioner’s completion of treatment or three years after the *stet* was entered on the docket, whichever is later.
- ***General Stet or a Compromise under Criminal Law § 3-207*** – Three years after the *stet* or compromise.
- ***Nolle Prosequi with the Requirement of Drug or Alcohol Treatment*** – Not until the completion of the required treatment.

² See footnote (FN) 1 for information on the 15-year waiting period for filing a petition to expunge PBJs for specified drunk driving charges.

- ***Conviction of a Specified Nuisance Crime*** – Three years after completion of the sentence.³
- ***Finding of Not Criminally Responsible for a Specified Nuisance Crime or Other Specified Misdemeanor*** – Three years after the court made the finding of not criminally responsible.
- ***Conviction for Possession of Cannabis*** – Completion of the sentence.⁴

A petition for expungement based on a gubernatorial pardon must be filed *within* 10 years after the Governor signed the pardon.

Good Cause Exception to Waiting Periods (Criminal Procedure § 10-105(c))

A court may grant a petition for expungement under § 10-105 at any time on a showing of good cause. This “good cause” provision addresses a court’s authority to grant a petition for expungement under § 10-105 outside of the statutory time requirements (waiting periods) when all other eligibility criteria have been met. *In re Expungement Petition of Vincent S.*, 255 Md. App.163 (2022). Determinations of good cause are at the discretion of the court.

Subsequent Conviction Rule (Criminal Procedure § 10-105(e)(4))

A person is not entitled to expungement under § 10-105 if (1) subject to a specified exception, the petition is based on the entry of PBJ and the person, within three years of the entry of the PBJ, has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime or (2) the person is a defendant in a pending criminal proceeding. A conviction that has been “shielded” may not be considered a conviction for purposes of the subsequent conviction rule. Please refer to the section on shielding for additional information on shielding police and court records.

Procedure After the Filing of a Petition

The court must have a copy of a petition filed under § 10-105 served on the State’s Attorney. Unless the State’s Attorney files an objection to the petition within 30 days after the petition is served, the court must order the expungement of all police records and court records about the charge.

If the State’s Attorney files a timely objection to the petition, the court must hold a hearing. If the court at the hearing finds that the person is entitled to expungement, the court must order the expungement of all police records and court records about the charge. If the court finds that the person is not entitled to expungement, the court must deny the petition. In determining whether

³ Pursuant to Chapter 95 of 2005, “completion of the sentence” means the time when a sentence has expired, including any period of probation, parole, or mandatory supervision. This definition applies to all expungements under Title 10, Subtitle 1 of the Criminal Procedure Article.

⁴ See FN 3.

the person is entitled to expungement, the court must consider, to the extent applicable (1) the person's success at probation, parole, or mandatory supervision and (2) whether the person has paid any monetary restitution ordered by the court in the original proceeding or does not have the ability to pay the restitution.

A party aggrieved by the decision of the court is entitled to appellate review. Unless an order is stayed pending appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement must provide written notification of compliance with the order to the court and the person seeking expungement.

Automatic Expungement of Cases with Favorable Dispositions (Criminal Procedure § 10-105.1) and Required Notification of Right to Expungement (Criminal Procedure § 10-105.2)

Beginning October 1, 2021, all records relating to a civil charge for possession of the personal use amount of cannabis or a crime other than a violation of the Transportation Article for which the defendant is not required to appear must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than (1) acquittal; (2) dismissal; (3) not guilty; or (4) *nolle prosequi*, except *nolle prosequi* with a requirement of drug or alcohol treatment. The court must send notice of the disposition of each charge in the case and the date on which expungement is required to (1) the Criminal Justice Information System Central Repository; (2) each booking facility, law enforcement unit, and other governmental unit that the court believes may have a record subject to expungement; and (3) the person entitled to expungement.

In the types of cases eligible for this automatic expungement, a court must notify a defendant of their right to petition for expungement under § 10-105 after disposition of all charges in the case. If a defendant is not present in court when the charges are disposed, the court must notify the defendant by mail. The notice must include a written form for general waiver and release of all tort claims relating to the charge or charges eligible for expungement under § 10-105.⁵

Criminal Charge Transferred to Juvenile Court (Criminal Procedure § 10-106)

A person may file, and a court must grant, a petition for expungement of a criminal charge transferred to the juvenile court. The petition must be filed in the court of original jurisdiction from which the order of transfer was entered.

⁵ As noted above, a petition for expungement based on an acquittal, *nolle prosequi*, or dismissal may not be filed within three years after disposition of the charge unless the petitioner files a written waiver and release of all tort claims arising from the charge.

Expungement of Record Relating to a Conviction (Criminal Procedure § 10-110)

Section 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses or an attempt, a conspiracy to commit, or a solicitation to commit any of those offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements.

Waiting Periods under Criminal Procedure § 10-110

A petition for expungement under § 10-110 may not be filed earlier than the following time periods after completion of the sentence:⁶

- misdemeanor (in general) – 5 years;
- second-degree assault or common law battery – 7 years;
- domestically related crime under Criminal Procedure § 6-233 – 15 years;
- felony (in general) – 7 years;
- possession with intent to distribute cannabis – 3 years; and
- first-degree burglary, second-degree burglary, or felony theft – 10 years.

Subsequent Conviction Rule

If the person is convicted of a new crime during the applicable waiting period, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement. Furthermore, a person is not eligible for expungement if the person is a defendant in a pending criminal proceeding.

Procedure After the Filing of a Petition

The court must have a copy of a petition filed under § 10-110 served on the State's Attorney. The court must also send written notice of the expungement request to each listed victim in the case, advising the victim of the right to offer additional information relevant to the expungement petition to the court. Unless the State's Attorney or a victim files an objection to the petition within 30 days after the petition is served, the court must order the expungement of all police records and court records about the charge.

⁶ See FN 3 for the definition of "completion of the sentence."

If the State's Attorney or a victim files a timely objection to the petition, the court must hold a hearing. The court must order the expungement of all police records and court records about the charge after a hearing, if the court finds and states on the record that (1) the statutory eligibility requirements are satisfied; (2) giving due regard to the nature of the crime, the history and character of the person, the person's success at probation, parole, or mandatory supervision, and the person's success at rehabilitation, the person is not a risk to public safety; (3) the person has paid any monetary restitution ordered by the court in the original proceeding or does not have the ability to pay the restitution; and (4) an expungement would be in the interest of justice. If the court finds that the person is not entitled to expungement, the court must deny the petition.

A party aggrieved by the decision of the court is entitled to appellate review. Unless an order is stayed pending appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement must advise in writing the court and the person who is seeking expungement of compliance with the order.

Unit Rule (Criminal Procedure § 10-107)

If two or more charges, other than one for a minor traffic violation or possession of cannabis, arise from the same incident, transaction, or set of facts, they are considered to be a unit. If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit. This "unit rule" applies to expungements under §§ 10-105 and 10-110.

Unpaid Fees and Costs Not a Bar to Expungement (Criminal Procedure § 10-105.4)

Any unpaid court fees or costs are not a bar to expungement. When ordering or effecting an expungement, the court must waive any court fees and costs associated with the charge being expunged.

Prohibitions and Penalties

Opening, Review, or Disclosure of Expunged Records (Criminal Procedure § 10-108)

A person may not open, review, or disclose information from an expunged record without a court order. A violation is a misdemeanor, punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. Additionally, a governmental official or employee who commits this crime may be fired.

A court may order access to an expunged record under specified circumstances.

Requiring Disclosure of Expunged Information (Criminal Procedure § 10-109)

The following entities may not require the disclosure of expunged information about criminal charges in an application, interview, or other means:

- an employer or educational institution of a person who applies for employment or admission; or
- a unit, official, or employee of the State or local government of a person who applies for a license, permit, registration, or governmental service.

A person need not refer to or give information concerning an expunged charge when answering a question concerning a criminal charge that did not result in a conviction or a conviction that the Governor pardoned. Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for (1) an employer to discharge or refuse to hire the person or (2) the State or local government to deny the person's application.

A violation of this statute is a misdemeanor punishable by imprisonment for up to one year and/or a \$1,000 maximum fine. Additionally, a governmental official or employee who is convicted of this crime may be fired.

Shielding**In General**

Shielding is another method by which a person can limit access to records related a criminal conviction. A court or police record shielded in accordance with Title 10, Subtitle 3 of the Criminal Procedure Article is inaccessible by members of the public, and the Maryland Judiciary Case Search may not in any way refer to the existence of shielded records.

A person may petition a court to shield the person's court records and police records relating to one or more "shieldable convictions" of the person entered in the circuit court or the District Court in one county no earlier than three years after the person satisfies the sentence imposed for all convictions for which shielding is requested, including parole, probation, or mandatory supervision. "Shieldable conviction" means a conviction of 1 of a list of 12 specified misdemeanors.

Ineligibility

A "domestically related crime" under § 6-233 of the Criminal Procedure Article may not be shielded. If a person is not eligible for shielding of one conviction in a "unit" (two or more convictions that arise from the same incident, transaction, or set of facts), the person is not eligible for shielding of any other conviction in the unit. If the person is convicted of a new crime during

the three-year waiting period, the original conviction or convictions are not eligible for shielding unless the new conviction becomes eligible for shielding. In addition, a person who is a defendant in a pending criminal proceeding is not eligible for shielding.

Procedure

The court must have a copy of a petition for shielding served on the State's Attorney. Unless the State's Attorney files an objection to the petition for shielding within 30 days after the petition is served, the court may order the shielding of all police records and court records relating to the conviction(s) after taking into consideration any objections or additional information provided by the State's Attorney or the victim(s). If the State's Attorney files a timely objection to the petition, the court must hold a hearing. If the court, at the hearing, finds that the person is entitled to shielding, the court must order the shielding of all police records and court records relating to the conviction(s). The court must send written notice of the proposed action to all listed victims in the case advising the victim(s) of the right to offer additional information relevant to the shielding petition to the court.

The court may grant a petition for good cause. A person may be granted only one shielding petition over the lifetime of the person.

Other Shielding-related Provisions

Title 10, Subtitle 3 of the Criminal Procedure Article contains additional provisions regarding continued access to shielded information by specified individuals and entities, prohibited disclosures of shielded information, and prohibited inquiries into a person's shielded information.

Restrictions on References to Information in Maryland Judiciary Case Search and the Criminal Justice Information System (Criminal Procedure §§ 10-111, 10-112, and 10-401)

The Maryland Judiciary Case Search provides public Internet access to information from Maryland District Court and circuit court traffic, criminal, and civil case records. The information shown includes names of parties, addresses, case numbers, dates of birth, trial dates, charges, and case dispositions.

The Maryland Judiciary Case Search is prohibited from referring in any way to the existence of:

- records of a charge in a case with electronic records if the charge resulted in acquittal; dismissal; or *nolle prosequi*, except *nolle prosequi* with the requirement of drug or alcohol treatment (this exception is repealed effective January 31, 2026);

- records of a charge in a case with electronic records for (1) a charge marked “*stet*” on the docket at least three years previously and (2) a charge of possession of cannabis that resulted in a conviction that was later pardoned the Governor⁷ (effective January 31, 2026); and
- a criminal case in which possession of cannabis is the only charge in the case and the charge was disposed of before July 1, 2023.

On or before July 1, 2024, the Department of Public Safety and Correctional Services (DPSCS) must remove all references in the Criminal Justice Information System Central Repository to all cases in which possession of cannabis is the only charge in the case and the charge was issued before July 1, 2023.

Outstanding Issues

Required System Upgrades

Chapter 940 of 2024 specifies that DPSCS must include system upgrades required to allow for automated expungement of charges and partial expungement of charges in any vendor contracts being negotiated as of October 1, 2024.

Automated expungement refers to a process by which a charge is expunged without requiring the filing of a petition by the individual who is the subject of the charge. Partial expungement refers to expungement of individual charges within a unit notwithstanding the unit rule under § 10-107 of the Criminal Procedure Article.

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⁷ See Chapter 95 of 2025.