

**WHAT IS AN EXPUNGEMENT?**

Expungement is the removal of criminal records, including some civil citations from public inspection. Once expunged, government agencies cannot disseminate this information to the public.

**WHAT IS ELIGIBLE TO BE EXPUNGED?**

- You were found not guilty (an acquittal).
- The charges were dismissed.
- The case resulted in probation before judgment (a PBJ), except DWI or DUI cases.
- The State's Attorney did not prosecute the case (a NOL PROS).
- The Court indefinitely postponed your case (the STET docket).
- You were convicted of only one non-violent criminal act and you were granted a full and unconditional pardon by the Governor for that act.
- A small number of minor misdemeanor convictions (common nuisance crimes).
- Your adult case, if the case was transferred to juvenile court.

**WHEN AM I NOT ELIGIBLE FOR AN EXPUNGEMENT?**

- Your case resulted in a conviction, unless a pardon has been granted or it is an eligible conviction (see above).
- Your case had several charges and you were convicted of at least one charge, even if the other charges resulted in your favor.
- Since entry of a PBJ, Nol Pros, STET, or Pardon, you have been convicted of another crime, besides a minor traffic case.
- Even if eligible, you may not be able to file for an expungement while you have a pending criminal case.

**IS AN EXPUNGEMENT EVER AUTOMATIC?**

Yes, in those cases that are referred to as RWOC — Release Without Charge. Any arrest after 10/01/07, is automatically expunged, if the State's Attorney's Office decides not to prosecute and you were never formally charged. In this situation, you never had a commissioner hearing and you were released from jail with no pending charges.

- ~ No costs involved
- ~ No waiver requirement involved
- ~ If you have a RWOC prior to October 1, 2007, you must file a written request.

**WHEN CAN I FILE FOR EXPUNGEMENT?**

The waiting period depends on your case disposition. The general rule is you must wait three (3) years. However, if you want to file **immediately** for expungement prior to 3 years from the disposition of your case and the case is eligible to be expunged, you must file a General Waiver and Release Form.

After 3 years, the General Waiver and Release Form is no longer required.

With some dispositions (STET and PBJs), you generally may not request an expungement prior to 3 years. However, if the judge finds that there is good cause, the expungement may be granted earlier than 3 years.

**WHAT IS A GENERAL WAIVER AND RELEASE FORM?**

Under Maryland Law, you have the right to sue regarding your arrest, confinement, or prosecution. You generally need to bring this suit within three (3) years after the incident. Because of this right to sue, for those dispositions that allow you to request an expungement sooner than 3 years, you must file the General Waiver and Release.

You may wish to speak to an civil attorney before making this decision.

**WHAT IF I AM NOT A CITIZEN?**

Immigration is a complex subject that this brochure cannot fully address. If you are not a United States citizen, you may want to speak to an immigration attorney prior to filing for an expungement.

Non-citizens are well advised to obtain and maintain multiple certified copies of all criminal case dispositions in the event of expungement or if the court file becomes lost or destroyed.

**WHAT ABOUT JUVENILE RECORDS?**

If you were originally charged in circuit court and the case was transferred to juvenile court, you charges will be expunged, but you must file for expungement of the adult charges.

Juveniles records can be sealed!

**HOW DO I ACCESS MY RECORDS?**

Your criminal record is available from the Criminal Justice Information System (CJIS). A fee to obtain a copy exists—\$18.00. A fee is also associated with being fingerprinted — \$20.00

To obtain a copy of your Criminal Record, contact CJIS at

1-888-795-0011 (Toll Free)

Or visit [www.dpscs.state.md.us](http://www.dpscs.state.md.us).

Also, you may access your record through the Maryland Judicial Case Search website. This website list court cases, and may include cases not listed on your criminal record, such as citation and summon cases.

[www.casesearch.courts.state.md.us](http://www.casesearch.courts.state.md.us)

## WHAT IS THE PROCEDURE FOR FILING?

1. Determine if you are eligible. If so, obtain the necessary forms from the court or the court website: [www.courts.state.md.us](http://www.courts.state.md.us).

- Petition for Expungement (Form CC-DC/CR 72)

- General Waiver / Release (Form CC-DC/CR 78)

- Filing Fees Waiver

A \$30.00 filing fee must be paid for each expungement petition, **UNLESS** you file a Waiver of Filing Fees and the Waiver is granted by the courts.

2. File all forms in the court where your case was heard and include copies for the State's Attorney, and each law enforcement agency named in the petition.

3. The State's attorney has 30 days to object to your request.

4. Attend a court hearing, if required, and be prepared to give your reasons for the expungement request.

5. The court will send you notice if the petition has been granted or denied. If granted, the court will order the agencies to expunge their records. The agencies have 60 days to comply with the order.

6. Verify the court ordered the expungement and that the agencies have complied

- The entire process generally takes 120 days from the time you file your petition, unless there is an objection.
- The court will send you the Order and a Certificate of Compliance.
- Each agency has 60 days to comply with the Court Order.
- Each agency should send you a Certificate of Compliance.

## MUST I DISCLOSE EXPUNGED RECORDS?

According to Maryland law:

Generally, a person is not required to disclose information about expunged criminal charges. And, the person need not refer to or give information about an expunged charge when answering questions.

Refusal by a person to disclose information about criminal charges that have been expunged generally may not be the sole reason for refusal to hire the person or for refusing an application for a license, permit, registration, or governmental service.

However, the disclosure issue can be complicated depending on the job, license, or service you wish to obtain.

You may wish to speak to an attorney prior to any application for employment, license, permit, registration, or governmental service.

## AM I ELIGIBLE FOR A PARDON?

Contact the Maryland Parole Commission. A packet will be sent which will assist you in determining if and how you can request a pardon.

Reisterstown Plaza  
6776 Reisterstown Road  
Room 307  
Baltimore, Maryland 21215

## CAN THE OPD ASSIST ME WITH AN EXPUNGEMENT?

YES, if you were represented by the OPD. Come into the office **Wednesday only** 9:00am and 4:00 pm.

4151 Park Heights Avenue  
Baltimore, Maryland 21215

Call 410-367-1631 x306 (information line)

## MARYLAND OFFICE OF THE PUBLIC DEFENDER

### Expungement Information

Neighborhood  
Defenders -  
Northwest

**Zealous Advocacy with  
Holistic Services**

**This brochure is for informational purposes and is not a substitute for speaking to an attorney about your individual case.**  
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