

Expungement of Criminal Records

Expungement completely removes a criminal record from public view. Expunged information will not show up in background checks. You are not legally required to tell employers about an expunged record. This brochure is about expunging criminal records about you from Maryland state court records only.

Who uses expungement? Defendants in state criminal cases. If you are the respondent in a peace or protective order case, your case is civil, not criminal. See the brochure: *Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case?* If the state brought a criminal case against you for the same incident, you might have both a civil and criminal case. If you want to limit public access in your civil case, or if you are a victim or witness in a criminal case, see the brochure: *Can I Keep the Public from Seeing Information about Me in a Court Case?* (including if you are the petitioner in a peace or protective order case).

How do I file for expungement? For Maryland state court records, you can file a "Petition for Expungement of Records" (form CC-DC/CR-72) and if necessary, a "General Waiver and Release" (form CC-DC/CR-78). File the form with the Clerk's Office of the court that heard your case, in person or by mail. Apply for expungement of each offense based on the date of arrest, the date on which the police served you with a citation, or the date on which you were served with a summons.

There is no way to expunge all of your criminal records at once. Your criminal records can also be expunged from Motor Vehicle Administration files and police files. Each process removes very specific files. Contact each agency that has criminal records about you to find out their expungement procedures.

I am the defendant in a criminal case, can I file for expungement?

Yes if:

1. Maryland's Governor pardoned you; OR
2. The case was filed against you as a juvenile, initially in criminal court, and then later transferred to juvenile court (juvenile delinquency records are always confidential. Juvenile records are maintained in a separate system from adult criminal records. File your petition for expungement with the clerk in the Juvenile court that heard your case); OR
3. You can show good cause.

You can also file for expungement if three years have passed and:

1. You received probation before judgment (except DUI/DWI); OR
2. The Court indefinitely postponed your case (called a "stet"); OR

3. The crime you were convicted of is listed in Maryland Code, Criminal Procedure Section 10-105(a)(9), or you were found not criminally responsible for a crime listed in Md. Code, Criminal Procedure § 10-105-(a)(9) or (10).

You can also file for expungement if three years have passed or you file a "General Waiver and Release" [form CC-DC/CR-78] (which waives certain legal rights you may have. You may want to speak to a lawyer first), and:

1. You were found not guilty (called "acquitted"); OR
2. The state did not prosecute the charge against you (called "nolle prosequi").

Must I tell anyone about information that the court expunged? Under Maryland Code Criminal Procedure section 10-109, an employer or educational institution may not require, as a condition of employment or admission, that you disclose expunged information about yourself. This includes the state government. The state also may not require you to disclose expunged information when you apply for a state license, permit, or other registration.

For more information

Expungement can be complicated. See the Maryland Judiciary's Expungement brochure online at www.mdcourts.gov/expungement.

Court forms are available on the Maryland Judiciary's website at www.mdcourts.gov/courtforms.

Read Maryland's laws at www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html.

Visit the People's Law Library of Maryland, an online legal resource, at www.peoples-law.org.

Visit any public law library in person. Call 410.260.1430 or find out more online at www.mdcourts.gov/lawlib.

Visit or call the Clerk's Office of the court that heard your case.

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