

# **Palumbo Law**

## **Working Title: Should I Expunge My Maryland Criminal Record?**

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## Introduction

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## Introduction

If you have a Maryland criminal record, and you are concerned about the repercussions, you are not alone.

As it stands right now, roughly [65 million Americans](#) have criminal records that affect their business and personal lives. While it's certainly possible to find work when you have a criminal record, more than 92 percent of American employers check for criminal records before hiring.

Because of this, having a Maryland criminal record can seriously impede your job search and hinder your ability to earn income. Read on to learn more about how your criminal record could impact your personal life and professional career, and what you can do to mitigate the consequences.

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## Chapter 1

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# Chapter 1: Is a Clean Record Important in Maryland?

Right now, it's more important than ever to have a clean record in Maryland. Thanks to factors like a slow economy, high unemployment rates and stiff competition for jobs, you're likely to have a difficult time finding work if you have a Maryland criminal record.

## What Employers Look for Before Hiring

While the [Job Applicant Fairness Act of 2011](#) states that employers are forbidden from checking an employee's credit report before hiring, they can still source a wide selection of critical personal information about you, including:

- Criminal record
- Driving record
- Background check
- Drug tests

## Know Your Rights

If you have a criminal record, you do have some legal rights during the job search process. Maryland state laws place restrictions on how companies and businesses can prioritize a criminal record when making a hiring decision. But unless your record has been expunged, or erased, it is still going to be an uphill battle to find high-paying work.

Luckily, Maryland is one state that prohibits employers from asking about criminal histories that have been expunged from your record. Because of this, record expungement is a wise and prudent choice for people with criminal records in Maryland.

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# Chapter 2: What Is Record Expungement?

According to the Maryland Judiciary, [record expungement](#) is the process of erasing a criminal charge. More exactly, it is the process of removing the criminal case file from the public domain. While every state has different expungement laws, Maryland allows criminal records to be expunged from the following places:

- The Department of Motor Vehicles files
- Police files
- Court records

Keep in mind, though, applications for expungement must be filed individually at each of these agencies, and it's essential to apply for expungement using your arrest date and disposition information.

Contrary to popular belief, no single process manages to expunge a criminal record from all databases, so it can be a somewhat arduous process to do so. However, it's well worth the effort in order to move forward with a clean record and increased potential for job opportunities.

## Which Cases Qualify for Expungement?

No criminal record can be expunged automatically. What's more, not *all* criminal records can be expunged. The Maryland Judiciary states that you can only apply for expungement in the following cases:

- No guilty verdict was issued.
- You were found guilty only of nuisance crimes.
- All legal charges were dropped.
- The crime you were charged with is no longer considered a crime.
- Probation before judgment (PBJ) cases.
- Nolle prosequi.
- Stet cases that have been postponed indefinitely.
- Settled cases.
- Nonviolent conviction accompanied by governor pardon.

## When Can You File for Expungement?

Depending on your particular case, the waiting period for expungement varies slightly. Here are the situations that qualify for expungement, and the timelines within which they work:

- Nolle prosequi: Nolle prosequi means "unwilling to pursue" and is the name given to a case that was abandoned by prosecutors or plaintiffs. In these cases, you can apply for record expungement three years after the disposition has passed. If you've already filed a *General Waiver and Release* of all legal claims, however, this timeline may be shorter.

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Settled cases: Settled cases are cases that are resolved out of court or compromised on. In these cases, you won't be able to file for expungement until three years after the case's disposition.

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Probation before judgments: Probation before judgment cases are those in which the accused is placed on probation before any legal judgments are formally issued. In these cases, the accused wasn't found legally guilty of any crime. Probation before judgment records can be expunged three years after the probation was discharged or granted. The three-year timeline is based on whichever of these things came later.

## Guilty Convictions

Again, not all criminal records qualify for expungement. Guilty convictions, for example, cannot be expunged, nor can PBJ cases that include charges of DWI or DUI.

If you find yourself in this position, though, don't lose hope. In some situations, a case can be reopened via a *coram nobis*, an order that requires a court to reopen a case and reevaluate a judgment based on new evidence or the discovery of previous errors, or postconviction. In these cases, the conviction could be tossed out or amended.

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# Chapter 3: How Long Does It Take to Expunge My Record in Maryland?

The length of time it takes to expunge your criminal record varies depending on many factors. As a general rule, expungement takes between three and six months after the date that the petition is filed, although larger counties may take longer to process expungement requests.

Things like appeals and objections can interfere with this timeline, though. It's also possible that the State Attorney or local law enforcement agencies will object to your application for expungement, in which case you'll be notified of a court hearing, which you are required to attend.

If there are no objections for the 30 days after the application is received, the Maryland court system will issue an order that calls for your criminal records and related charges to be expunged. At this point, you will receive a notice informing you of the acceptance or denial of your expungement request.

While many people wish it was so, it's not possible to expedite an expungement request due to all the legal processes that are involved. Each case must be carefully reviewed by personnel in the court system, and it's not possible to pay an expedited filing fee to speed up this process.

## Chapter 4

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# Chapter 4: How Much Does Expunging My Record Cost in Maryland?

The costs can vary widely according to what needs to be done. The only constant fee is a \$30 filing fee that goes to the court. This fee is completely nonrefundable, even if the request for expungement is denied. The only exception is expungement of "not guilty" verdicts from your record. If you find that you cannot afford the fee to file for expungement, it's possible to petition the court to waive the fee on a case-by-case basis.

## How to Apply for Expungement

Applying for expungement is a relatively accessible process. According to the Maryland Judiciary, you need a petition for expungement, known as Form CC-DC-CR-072, and a Waiver and Release form, known as Form CC-DC-CR-078. These forms are available at all [district and circuit courts](#) throughout the state.

Keep in mind that, in order to file for expungement, you need to have all the relevant data about your case, including case number, arrest date, acting law enforcement agency and criminal charge. You also need to know when your case was disposed.

Once you've gathered all of this information, you simply complete the forms and send or deliver them to the clerk for filing. Be sure to make an extra copy for each legal agency acting on the case, as well as the State's attorney. Once you've done this, simply pay the filing fee and file the documents in the court where the case was closed.

## The Benefits of Expungement

If you have a criminal record in Maryland, expungement may be a smart idea. Arrest and criminal records are easier than ever to obtain, and employers are unlikely to hire people without a [clean record](#). While Maryland law strongly encourages employers to avoid considering criminal records unless they relate directly to the position offered, this isn't always realistic.

In many cases, employers who pull criminal records on a would-be employee simply become unwilling to hire that person, regardless of how qualified he or she may be. Part of this relates to civil liability, and part of it relates to personal biases.

With all of these things in mind, it's easy to see why record expungement in Maryland is such a good idea. If you have a criminal record, the only way to ensure that it won't damage your prospects of finding a job, earning income, getting a rental apartment or even gaining college admission is to have your record expunged. During the expungement process, all court files bearing the history of your charges and case are thrown out.

Even if your case was minimal or based on small charges, there is simply no way to be sure that an employer's or landlord's personal interpretation of your case won't ruin your chances for a job or apartment. Because of this, it's essential that you do everything possible to clear your record and regain your good name.

In addition to freeing you from the stress of always worrying about how your criminal record in Maryland will be interpreted, this step also helps ensure a fresh start. Don't carry the burden of your criminal history around with you anymore. Seek out record expungement in Maryland and give yourself the gift of a new lease on life.