

Criminal Record Expungement

Frequently Asked Questions

What is criminal record expungement?

Criminal record expungement removes eligible past criminal cases from court and law enforcement records.

Why have a criminal record expunged?

Many employers and landlords do background checks on applicants and removal of the record can have a significant impact on your ability to find a job and housing.

Can all past criminal cases be expunged?

No. Only some types of criminal cases can be expunged and, with exceptions, only after a certain amount of time has passed. However, the law is changing quickly for expungements, and it is possible that a case that is not expungable now will be expungable in the future.

Below are a few example criteria for a case to be expungable (according to the Maryland Judiciary):

- All charges in a single case are expungable (this is called “the unit rule”; it does not apply to minor traffic citations and cannabis possession)**
- You are not currently a defendant in a criminal case**
- You haven’t been convicted of a new crime within three years of receiving a Probation Before Judgment**
- You weren’t convicted of or received a Probation Before Judgment for Driving While Intoxicated or Driving Under the Influence**

I believe my case qualifies. How long do I have to wait before I can get it expunged?

Between three and 15 years, depending on your specific case.

If you were acquitted, found not guilty, received a nolle prosequi (meaning the prosecutor has decided not to continue your case) or stet (meaning your case has been postponed indefinitely), or your case was otherwise dismissed, the likely wait time is three years or less.

If you pled guilty, the timer for expungement starts after you have satisfactorily completed your sentence (including parole or any other type of supervision).

- Certain “Nuisance” convictions – 3 years
- Possession with intent to distribute cannabis – 3 years
- Qualifying misdemeanor convictions*—5 years
- Qualifying felony convictions*—7 years
- First or second-degree burglary and felony theft convictions—10 years
- Domestic violence convictions—15 years

*You can access the entire list [here](#) to see if your previous conviction may qualify for expungement.

I pled guilty to cannabis possession and completed my sentence one year ago. When can I get this charge expunged?

Since cannabis possession is no longer a crime, you can expunge your cannabis possession conviction immediately. This is true for any conviction on your record no longer considered a crime.

How long does the expungement process take?

It usually takes about 3 months.

Does it cost anything to file for expungement?

There is no fee if you were acquitted, found not guilty, received a nolle prosequi (meaning the prosecutor has decided not to continue your case) or stet (meaning your case has been postponed indefinitely), or your case was dismissed.

There is a \$30 non-refundable fee if you were found guilty of the charge you are trying to expunge. If you can't afford the fee, you can request that it be waived. [Here](#) is the request form.

I'm ready to apply to have my record expunged. Do I need a lawyer?

You don't need a lawyer to complete the expungement process. However, having one can be a big help.

A lawyer can help you understand if your charges are eligible to be expunged. They can select the correct form to be used for your specific cases, which reduces the chance your expungement request (known as a petition) is rejected for technical reasons. They can request a fee waiver for you. They will keep track of the order from the court to expunge your record as well as the Certificates of Compliance that come in from the agencies ordered to expunge your record.



***I'm ready to apply to have my record expunged. Do I need a lawyer?
(continued)***

At Shore Legal Access we have lawyers who are experts on the complexities of the expungement process. They are here to help you access new opportunities in your life.

Shore Legal Access holds two criminal record expungement clinics a month across the Eastern Shore where you can work with a lawyer to have your record expunged. You must sign up at least two weeks in advance to attend a clinic. This gives our lawyers time to research your cases and to prepare your petitions. At the clinic, your lawyer will go over with you what they've found and you'll sign the petitions for the cases that can be expunged, which will then be filed in court.

You can see our upcoming schedule [here](#). Call 410-690-8128 to sign up.

Sources:

**[Expungement \(Adult\) | Maryland Courts \(mdcourts.gov\)](#)
[ccdcr072br.pdf \(mdcourts.gov\)](#)**

[Which records can be expunged? | The Maryland People's Law Library \(peoples-law.org\)](#)

[Expungement and Changing Your Criminal Record | The Maryland People's Law Library \(peoples-law.org\)](#)