

Expungement is the removal of a criminal case from your record. This factsheet outlines what cases likely are and are not expungeable in Maryland. **This is not legal advice.** Please consult an attorney about your particular situation.

PROCESS

- Whether a case is expungeable is determined primarily by the disposition (e.g. guilty, not guilty, nolle prosequi, etc.) you received in the case.
- You cannot expunge individual charges, only the case as a whole.
If one charge in the case cannot be expunged, then the case as a whole cannot be expunged. Some exceptions apply for cannabis charges.
- You cannot file for expungement in any case if you have an active criminal proceeding.
- If you are not a U.S. citizen, expungement may impact citizenship proceedings. Consult an immigration attorney before seeking expungement.

BASIC GUIDELINE

- If you were not convicted of any charge, expungement is generally available. If you were found guilty of a nonviolent crime, you may be eligible for expungement in certain cases.
- This is a GENERAL overview of expungement law. In certain circumstances there may be other factors that determine eligibility.

To see a full list of guilty convictions, please go to:

mvslaw.org/new-expungeable-convictions

SEE BACK OF PAGE FOR A LIST OF EXPUNGEABLE DISPOSITIONS

ELIGIBLE DISPOSITIONS	WAITING PERIOD RULES
Nolle prosequi, Not Guilty, Acquittal, Dismissal, or Transfer to Juvenile Court	You can file for expungement immediately
Stet	Wait 3 years from disposition date
Probation Before Judgement (PBJ)	Wait 3 years from disposition date OR the length of the probation (whichever is longer) * Note: DUIs / DWIs are not expungeable with a PBJ
Not Criminally Responsible for: a nuisance crime, trespassing, telephone misuse, and disturbing the peace	Wait 3 years from disposition date
Guilty for Nuisance Crimes (ex. loitering, drinking alcohol in public, failure to pay fare)	Wait 3 years from the completion of your sentence / probation
Guilty for Cannabis-Related Offenses	Possession under 2.5 ounces: Immediately eligible Possession over 2.5 ounces: After successful completion of sentence / probation CDS Possession with Intent to Distribute: Wait 3 years from disposition date
Guilty for: Trespassing, CDS Possession / Paraphernalia, Misdemeanor Theft, Unauthorized Removal or Malicious Destruction of Property, B&E of a Vehicle, Prostitution, Disorderly Conduct, 4th degree Burglary (and other charges not included in this list)	Wait 5 years from the completion of your sentence / probation *
Guilty for: 2nd degree Assault, CDS with Intent to Distribute, 3rd degree Burglary	Wait 7 years from the completion of your sentence / probation *
Guilty for: Felony Theft, 1st and 2nd degree Burglary	Wait 10 years from the completion of your sentence / probation *

* If you are found guilty in another case during this waiting period, you must wait for your new case to become eligible before filing for expungement. New convictions within the waiting period that cannot be expunged will block this expungement.

To apply for free legal help please visit: MVLSLAW.ORG/FREE-LEGAL-HELP/
Or call intake (9 am - 12 pm, Monday - Thursday) at 1-800-510-0050 or (410) 547-6537