SHIELDING CASES IN MARYLAND

UNDERSTANDING DIFFERENT AREAS WHERE SHIELDING APPLIES AND THE CASES ELIGIBLE

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WHAT IS SHIELDING?

- Limits public access to a criminal or civil case
  - Case still exists but is hidden
- Still readily available to law enforcement and certain agencies
- Can petition to view shielded cases
- Case cannot be used against you if obtained by non-authorized party
- In MD, shielding and sealing are generally the same

WHAT CAN BE SHIELDED

- Criminal cases
  - Second Chance Act 2015
- Peace & Protective orders
- Failure to Pay Rent
- Personal Identifying Information (PII) in non-eligible cases

CRIMINAL – CRITERIA

- Conviction from list of 12 eligible
- 3 years past end of any potential sentencing
- No subsequent convictions in waiting period
- Ineligible if case is domestically-related
- Can petition 1 court, once in lifetime
  - Can petition as many eligible cases in that court
  - Cannot be a defendant in a pending criminal proceeding
- Form CC-DC-CR-148 ($0 filing fee)

CRIMINAL – ELIGIBLE CONVICTIONS

1. Disorderly Conduct under § 10-201(c)(2) of the Criminal Law Article;
2. Disturbing the Peace under § 10-201(c)(4) of the Criminal Law Article;
3. Failure to Obey a Reasonable and Lawful Order under § 10-201(c)(3) of the Criminal Law Article;
4. Malicious Destruction of Property in the Lesser Degree under § 6-301 of the Criminal Law Article;
5. Trespass on Posted Property under § 6-402 of the Criminal Law Article;
6. Possessing or Administering a Controlled Dangerous Substance under § 5-601 of the Criminal Law Article;
7. Possessing or Administering a Non-controlled Dangerous Substance under § 5-618(a) of the Criminal Law Article;
8. Use of or Possession with Intent to Use Drug Paraphernalia under § 5-619(c)(1) of the Criminal Law Article;
9. Driving without a License under § 16-101 of the Transportation Article;
10. Driving While Privilege is Canceled, Suspended, Refused, or Revoked under § 16-303 of the Transportation Article;
11. **Driving While Uninsured under § 17-107 of the Transportation Article**; or
12. A Prostitution Offense under § 11-306(a)(1) of the Criminal Law Article if the conviction is for prostitution and not assignation.

SHIELDING PROTECTION ORDER RECORDS

- Petitioner or Respondent can request; notification and hearing required
- Can shield record if final order was NOT issued
- Three years passed since denial or dismissal of the PO (or General Waiver and Release filed)
- No previously issued protective or peace order against the respondent in any proceeding between the petitioner and the respondent
- Respondent not found guilty of a crime arising from abuse against the petitioner
- At the time of the hearing, no interim or temp protective or peace orders pending against the respondent (in P v. R matter) and no criminal charges pending against the respondent arising from alleged abuse against the petitioner
- Form CC-DC-DV-021A – Request to Shield Denied/Dismissed Protection Order
- Form CC-DC-DV-025 – Motion for Service by Clerk (specific to Shielding DV PO)

SHIELDING PEACE ORDER RECORDS

- Petitioner, Petitioner's Employee, or Respondent can request; notification and hearing required
- Can shield record if final order was NOT issued
- Three years passed since denial or dismissal of the PO (or General Waiver and Release filed)
- No previously issued protective or peace order against the respondent in any proceeding between the petitioner/their employee and the respondent
- Respondent not found guilty of a crime arising from an act against the petitioner/their employee
- At the time of the hearing, no interim or temp protective or peace orders pending against the respondent (in P v. R matter) and no criminal charges pending against the respondent arising from an alleged act against the petitioner/their employee
- Form CC-DC-PO-016A – Request to Shield Denied/Dismissed Peace Order
- Form CC-DC-PO-019 - Motion for Service by Clerk (specific to Shielding Peace Order)

SHIELDING CONSENT ORDER RECORDS

- Similar rules as for DV POs and Peace Orders, but here respondent agreed to final order without a trial
- Additional requirements:
  - PO is expired
  - Respondent did not violate PO
- For Consented to DV POs:
  - Petitioner must consent to shielding request at hearing
  - If petitioner does not, respondent may again request shielding one year after hearing
  - Court may grant if finding unlikely respondent will commit act of abuse against petitioner in future
- Form CC-DC-DV-021B - Request to Shield Consented to Protection Order
- Form CC-DC-PO-016B– Request to Shield Consented to Peace Order

FAILURE TO PAY RENT – COVID-19

- Between March 5, 2020 > January 1, 2022
- Petitioner must prove loss of income/inability to pay rent is directly related to Covid-19 pandemic
- Any judgement must be settled prior to filing
- Copy of petition to be served to landlord if judgement in landlord's favor
- Form DC-CV-116 ($0 filing fee)

FAILURE TO PAY RENT – CURRENT

- FTPR case filed after October 1, 2024
- If judgement in **renter/tenant** favor:
  - automatically shielded
  - wait 60 days, no action needed
- If judgement in **landlord**'s favor:
  - Exercise right to redemption (no eviction)
  - Eligible 12 months after case closed
  - Form DC-CV-119 ($0 filing fee)

FAILURE TO PAY RENT – EVICTION

- If judgement in **landlord**'s favor and eviction:
  - No formal pathway
  - Can attempt to file and provide "good cause"
  - Eligible 12 months after case closed
  - Form DC-CV-119 ($0 filing fee)

PII

- Can be used to remove personal details from ineligible cases:
  - Phone number
  - Name
  - Email
  - Address
- Typically used when individual under threat of harm or harassment
- Requires serving copy to opposing party
- Both routes likely result in hearing

PII

- In criminal, peace order, or protective order case:
  - Open to victim, victim's representative, witness, state's attorney
  - Limited to addresses, telephone numbers, email addresses
  - Form CC-DC-052 ($0 filing fee)
- All other case types:
  - Requires details and potentially documentation of necessity
  - Can be used if CC-DC-052 is denied
  - Open to anyone involved in the case
  - Form CC-DC-053 ($0 filing fee)

THANK YOU

For more information or questions, please contact us at:

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