

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON EXPUNGEMENT OF CRIMINAL RECORDS

WHEREAS, Compliance with an expungement order can be accomplished effectively only if the Judiciary provides identifying information, required by the Department of Public Safety and Correctional Services, Expungement Unit, for expungement of records in its Criminal Justice Information System, as well as that of the Federal Bureau of Investigation; and

WHEREAS, Maryland Rule 4-512(b) provides for expungement of court records through sealing; and

WHEREAS, Immediate sealing of expunged records has interfered with obtaining the identifying information needed for effective expungement and with proper filing of certificates of compliance; and

WHEREAS, The process for unsealing expunged records is cumbersome, time consuming, and unnecessary with regard to governmental personnel carrying out their duties in connection with effective compliance with the order for expungement; and

WHEREAS, Maryland Code, Criminal Procedure Article, § 10-105(f) provides 60 days for compliance with an order for expungement not stayed pending appeal;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 27th day of December, 2004:

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1. On receipt of an order for expungement of a court record, a clerk of court:
 - A. Promptly shall remove the record from public inspection and give the court and person seeking expungement notice of compliance;
 - B. During the 60 days after the date on which an unstayed order is entered, shall allow access to the record by personnel of the Maryland Department of Public Safety and Correctional Services, Expungement Unit, designated by the Manager of the Unit for purposes of complying with the order;
 - C. Shall include within the record each Certificate of Compliance received by the clerk with regard to the record;
 - D. Promptly shall notify the issuing judge if a custodian fails to file a timely Certificate of Compliance; and
 - E. On notice from the Maryland Department of Public Safety and Correctional Services, Expungement Unit, but no later than 60 days after the date on which an unstayed order is entered, shall seal the record in accordance with the Maryland Rule 4-512.
2. Personnel of the Maryland Department of Public Safety and Correctional Services, Expungement Unit, shall carry out their responsibilities in connection with expunged records as expeditiously as possible, in order to allow the sealing of expunged records

as soon as possible.

3. This Order shall be effective on January 15, 2005.

/s/ Robert M. Bell
Chief Judge

Filed: December 27, 2004
/s/ Alexander L. Cummings
Clerk
Court of Appeals of Maryland