

# Expungement-Part 7 (Cannabis)

In certain circumstances, you may ask the court to expunge your criminal record. If the court grants your request, information about your case will be removed from court and law enforcement records. This video examines expungement for individuals who had charges of possession of cannabis or possession of cannabis with intent to distribute.

Watch the Video



## What cannabis-related charges are eligible for expungement?

- If you received a **favorable disposition**, such as not guilty, your case may be eligible. Watch Part 3 of this series if you received probation before judgment. Watch Part 2 of this series if you received another favorable outcome such as acquittal, not guilty, stet, or dismissal.
- If you were **convicted of possession of cannabis or possession of cannabis with intent to distribute**, your case is eligible after a waiting period, if no other exceptions apply.
- If you received a guilty outcome for a different type of charge, watch Part 1 of this series.

## What is the waiting period?

- See the table below for the waiting periods for possession of cannabis and possession of cannabis with intent to distribute.

Conviction of possession of cannabis	Eligible for expungement immediately after completion of the sentence, including probation.
Conviction of possession of cannabis with intent to distribute	Eligible for expungement 3 years after completion of the sentence, including probation, parole, or mandatory supervision.

- Individuals who are incarcerated for possession of cannabis may apply for resentencing. Talk to a criminal defense lawyer for more information.

## Exceptions

- You cannot expunge a court record if you are currently a defendant in a **pending criminal action**.
- Your conviction cannot be expunged if even one of the charges in your case is ineligible. Multiple charges in a single instance or event make up a “**unit**.” If one of those charges is ineligible for



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expungement, then all charges in the unit are ineligible. The unit rule does not apply to minor traffic offenses that don't involve jail time and charges for possession of cannabis (marijuana).

- This means a charge for **possession of cannabis** can be expunged even if your case has other charges not eligible for expungement.
- **Possession of cannabis with intent to distribute** does fall under the unit rule. This means if another charge in the same unit is not eligible for expungement, the charge for possession of cannabis with intent to distribute is not eligible either.

### Will your records show on Case Search?

- Maryland Case Search is an online database of Maryland court cases.
- Your case will not appear on Case Search if your case:
  - involved a possession of cannabis charge,
  - there were no other charges in the case, and
  - it was disposed of before July 1, 2023.
- A case is disposed of when the case ends, and the court enters an outcome, such as dismissed, acquitted, or probation before judgment.
- Cases that do not appear on Case Search may still appear on background checks.

### Will any of your charges be automatically expunged?

- Certain records may qualify for **limited automatic expungement** if:
  - a charge for possession of cannabis was issued before July 1, 2023, and
  - there were no other charges in the case.
- Records that qualify for limited automatic expungement will be expunged from the **Maryland Criminal Justice Information System (CJIS)** by July 1, 2024. The records will not be expunged at the court.

### If you received a pardon, can your case be expunged?

- If you received a pardon, that record may be expunged if:
  - you were convicted of only one criminal act,
  - that act was not a crime of violence, and
  - the Governor granted a full pardon.
- File your request for expungement within 10 years of when the Governor signed the pardon.

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## How to Expunge Your Records

- Depending on the disposition of charges in your case, you may use one form or two forms. See the chart below to determine which form or forms you should use.

Disposition	Forms
<ul style="list-style-type: none"><li>▪ Conviction of Possession of Cannabis, or Conviction of Possession of Cannabis with Intent to Distribute, <b>and</b></li><li>▪ No other charges.</li></ul>	<a href="#">CC-DC-CR-072D Petition for Expungement of Records (Marijuana/Cannabis Related Offenses)</a>
<ul style="list-style-type: none"><li>▪ Conviction of Possession of Cannabis, or Conviction of Possession of Cannabis with Intent to Distribute, <b>and</b></li><li>▪ At least one other non-cannabis guilty disposition that is eligible for expungement.</li></ul>	<a href="#">CC-DC-CR-072D Petition for Expungement of Records (Marijuana/Cannabis Related Offenses)</a>  <a href="#">CC-DC-CR-072B Petition for Expungement of Records (Non-Marijuana/Cannabis Related Offenses) (Guilty Disposition)</a>
<ul style="list-style-type: none"><li>▪ Conviction of Possession of Cannabis, or Conviction of Possession of Cannabis with Intent to Distribute, <b>and</b></li><li>▪ Favorable (non-guilty) dispositions of charges only (no other guilty convictions).</li></ul>	<a href="#">CC-DC-CR-072D Petition for Expungement of Records (Marijuana/Cannabis Related Offenses)</a>  <a href="#">CC-DC-CR-072A Petition for Expungement of Records (Acquittal, Dismissal, Probation Before Judgment, Nolle Prosequi, Stet, Not Criminally Responsible, or Transfer to Juvenile Disposition)</a>

- Take your completed form or forms to the court in which the case was decided. File it with the clerk's office.

## Legal Assistance

- Maryland Court Help Centers offer free, brief legal advice. Court Help Center lawyers can be reached at 410-260-1392. For more information, including walk-in locations where you can speak to a lawyer in person, visit [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter).
- Maryland Legal Aid may be able to assist with expungements. Legal Aid holds free legal clinics where Marylanders who qualify can speak to a lawyer in person for free. Visit [mdlab.org/free-legal-clinics](http://mdlab.org/free-legal-clinics) for more information on Legal Aid's clinics or call 1-888-465-2468 for intake for legal representation.
- For additional information on providers that provide assistance with expungement, visit [peoples-law.org/referrals-help-expungements](http://peoples-law.org/referrals-help-expungements).



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