

Expungement-Part 3 (Probation Before Judgment)

In certain cases, 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 only covers expungement eligibility in cases that ended with a disposition of probation before judgment (PBJ). Find your case disposition or status on your court paperwork, or check Case Search at mdcourts.gov/casesearch.

Watch the Video



Eligible Probation Before Judgment (PBJ) Cases

- Cases that result in PBJ may be eligible for expungement under certain conditions.
- There are several exceptions that may make your PBJ case ineligible for expungement.

Exceptions

- In most cases, the court cannot expunge your case if, in the three years since the court entered PBJ, you were convicted of another crime. However, you can still request expungement if the PBJ or subsequent conviction was for conduct that is no longer a crime under Maryland law. Additionally, minor traffic offenses that don't involve jail time are not taken into consideration.
- If you received a PBJ for Driving Under the Influence of alcohol or Driving While Impaired by alcohol, the court cannot expunge your record if you were convicted of a crime within the subsequent 15 years since the entry of the PBJ. The court also cannot grant expungement if you received probation before judgment for a violation of section 21-902 of the Transportation Article in the 15 years since you received a PBJ for a DUI or DWI involving alcohol.
- Your PBJ case cannot be expunged if you are a defendant in a pending criminal case.
- Your case cannot be expunged if even one of the charges in your case is ineligible. You may have been charged with multiple criminal acts for the same event or incident. These charges are part of the same "unit." If any charge in that unit is ineligible for expungement, then the PBJ charge is not eligible. Minor traffic offenses and possession of cannabis (marijuana) don't count.

One Last Thing

- Before you ask the court to expunge your PBJ, be sure you know how long you must wait before submitting your petition. There is a required waiting period. Part 5 of this series explains when to file.



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