

Expungement Part 7: Expungement of Cannabis Charges

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Review

Welcome. I am here to talk about expunging cannabis-related charges in Maryland. In 2023, these laws changed. This video covers expungement laws regarding possession of cannabis and possession of cannabis with intent to distribute.

It is important for court records to be open to the public, but in certain circumstances, you may ask the court to expunge your criminal record. If the court grants your request, information about your case is removed from court and law enforcement records. When a case is expunged the records are no longer available.

For more information about expunging non-cannabis related criminal records, watch the other videos in this series.

Now let's get started. First, what is eligible for expungement.

What is eligible for expungement?

Here are two scenarios in which your record may be eligible for expungement. One, convictions of possession of cannabis and of possession of cannabis with intent to distribute are both eligible for expungement after waiting periods. We will discuss these scenarios in more detail in this video. Two, if

you were charged but received a favorable disposition, such as not guilty, for possession of cannabis or possession of cannabis with intent to distribute, your case may also be eligible.

Watch Part 3 of this series if you received a probation before judgment, and watch Part 2 of this series if you received another favorable outcome, such as acquittal, not guilty, stet, or dismissal.

If you were convicted, what is the waiting period for filing for expungement?

Chapter Heading: What is the waiting period for filing for expungement?

For possession of cannabis, a conviction is eligible for expungement immediately after completion of the sentence. This includes completion of probation. The 2023 changes to the law allow individuals who are incarcerated for possession of cannabis to apply for resentencing. Talk to a criminal attorney for more information.

For possession of cannabis with intent to distribute, a conviction is eligible for expungement three years after completion of the sentence. This includes completion of probation, parole, or mandatory supervision.

You should, however, be aware of some exceptions.

Exceptions

There are two conditions that may keep your case from being expunged. First, you cannot expunge a court record if you are currently the defendant in a pending criminal action.

Another exception is something called the unit rule. Your conviction or charge cannot be expunged if even one of the charges in your case is ineligible. Let's say you were charged with multiple crimes in a single instance known as a "unit." If one of those charges is not eligible for expungement, then all charges in that unit are ineligible.

You don't need to worry about minor traffic offenses that do not involve jail time. They do not count under the unit rule. Under the 2023 law, possession of cannabis does not count either. This means a charge for possession of cannabis can be expunged, even if your case has other charges not eligible for expungement. The ineligible charges will remain on your record.

It is important to know, however, that 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.

You may be wondering; will your records show on case search?

Will your records show on Case Search?

Maryland Case Search is an online database of Maryland court cases. Some cases do not appear on Case Search. If your case involved a possession of cannabis charge your case will not appear on case search under the following circumstances:

It included no other charges, 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. Keep in mind, however, cases that do not appear on Case Search may still appear in background checks or in other court records.

Another question you may have: Will any of your charges be automatically expunged?

Will any of your charges be automatically expunged?

Records with a charge of possession of cannabis qualify for limited automatic expungement if

the charge was issued before July 1, 2023 and there are no other charges. Under these circumstances, the record will be expunged from Maryland's Criminal Justice Information System, also known by the abbreviation CJIS. The Criminal Justice Information System maintains criminal records and processes background checks. You do not need to file any paperwork or take any action for these case records to be removed. CJIS will expunge the records by July 1, 2024.

The record, however, will not be expunged from the Maryland Courts. This means the case record held at the court will not be destroyed.

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

Chapter heading: If you received a pardon, can your case be expunged?

If you received a pardon, Maryland law allows for that record to be expunged under the following circumstances:

You were convicted of only one criminal act;

That act was not a crime of violence;

And, the Governor granted a full pardon.

You must file your request for expungement within 10 years of when the Governor signed the pardon.

Let's move on and talk about how to expunge your records.

Chapter Heading: How to expunge your records

When you are ready to file, first prepare the appropriate court form to request expungement. Refer to the Tip Sheet for the correct form.

Take your form to the court in which the case was decided. File it with the clerk's office. For more information, watch the video *Expungement: How to File Your Petition with the Court*.

There are free services that may be able to assist you with filing. The Maryland Court Help Center offers free legal advice. Their attorneys cannot represent you but can give advice or assist with forms. Call 410-260-1392. View the Tip Sheet accompanying this video for additional information on where to find legal assistance on expungement.

Ok, now let's take a minute to review.

Review

Convictions of possession of cannabis are eligible for expungement immediately after completion of the sentence. Convictions of possession of cannabis with intent to distribute are eligible for expungement three years after completion of the sentence.

Remember to consider exceptions to eligibility. Are you the defendant in a pending criminal case? Were there additional charges and does the unit rule apply?

If you receive a pardon and were convicted of only one charge, your case may be eligible for expungement.

When you are ready to file your petition, prepare the appropriate court form and file it at the clerk's office in the court that decided your case.

I hope this information is helpful. Thanks for watching.