

# Expungement-Part 5 (When to File)

Maryland expungement law is complex. Your case status and the sentence you received, if any, determine when you may ask the court to expunge your record. This video covers the correct time to file for expungement. Questions? Contact a lawyer at the Maryland Court Help Center at 410-260-1392.



**For All Cases**

- If you are a defendant in an ongoing criminal case, wait until the case is over before filing for expungement.
- If the court ordered you to complete something such as drug or alcohol counseling, restitution, or community service, finish what was ordered before asking the court to expunge your record.

**Case Types with a Required Wait Time of 0-3 Years**

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|---|---|
| Conviction for an act which is no longer a crime  | No required wait time   |
| Conviction of possession of cannabis (marijuana)  | File for expungement after completion of sentence, including probation  |
| Cases that ended with acquittal, dismissal, not guilty, or nolle prosequi   | Three years -- With these favorable dispositions, you may file earlier if you file a General Waiver and Release form    |
| Cases that ended with probation before judgment (PBJ)   | Three years after disposition or after discharge from probation, whichever is later                                     |
| Cases placed on Stet  | Three years from the date of the disposition  |
| Conviction for a nuisance crime   | Three years after completing your sentence  |
| You were found "not criminally responsible" for trespass, disturbing the peace, or telephone misuse   | Three years after the date of your disposition  |
| You were charged with assault and all parties agreed to dismiss the case  | Three years after the date of dismissal   |
| The dispositions of all charges were entered on or after October 1, 2021 and had a disposition of nolle prosequi, dismissal, acquittal, or not guilty | Three years after the disposition date the court will automatically expunge your case. You may apply to expunge sooner. |
| Conviction of possession of cannabis (marijuana) with intent to distribute  | Three years after satisfaction of sentence, including parole, probation, or mandatory supervision                       |



**Maryland Court Help**

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**Case Types with a Required Wait Time of 5-10 years**

|   |  |
|---|--|
| Convictions pardoned by Maryland's Governor                                 | Within 10 years of the Governor signing the pardon   |
| Most misdemeanor convictions listed in MD Code, Criminal Procedure § 10-110 | 5 years after completing the sentence, including parole, probation or mandatory supervision        |
| Second-degree assault<br>Common law battery                                 | 7 years after satisfaction of all sentences, including parole, probation, or mandatory supervision |
| Some felony convictions   | 7 years after satisfaction of sentence   |
| First or Second-degree burglary<br>Theft                                    | 10 years from satisfaction of sentence   |

**Case Types with a Required Wait Time of 15 Years**

|   |                                    |
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| Conviction for a domestically-related crime listed in MD Code, Criminal Procedure § 6-233 | 15 years after sentence completion |
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