



Department of Public Safety and Correctional Services

Maryland Parole Commission

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STATE OF MARYLAND

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Thank you for your interest in the State of Maryland's process for obtaining relief from the collateral disabilities and penalties that accompany a criminal conviction. Often individuals similarly situated have many questions regarding the pardon power and other related matters. The Maryland Parole Commission, in conjunction with the Governor's Office of Legal Counsel, has prepared this guide to address some of the more frequently asked questions. We hope you will find this guide helpful.

This guide is designed to provide accurate information in regard to the subject matter covered. It is distributed with the understanding that the publisher is not engaged in rendering legal advice. If legal or expert advice is required, the services of a competent professional should be sought.

LEGAL EFFECTS OF A PARDON IN MARYLAND

One of the primary misconceptions about pardons in Maryland is that a pardon is the only manner by which one may have one's rights restored. In some states a pardon is the only manner by which a convicted felon may have his or her civil rights restored. However, in Maryland, some rights are restored upon the completion of a sentence or a period of parole or probation.

Another misconception is that a pardon erases the conviction from the record. A pardon does not eliminate or erase the conviction. The records of the conviction continue to exist in both court and law enforcement files, unless you obtain an **expungement** from the court that originally presided over the case in question.

EMPLOYMENT

Many professions require licenses. The licensing agency for each profession operates under different laws and policies. Some agencies will not issue you a license even if you are pardoned, some will consider you only if you receive a pardon, and others do not require a pardon.

If you are considering applying for a pardon in order to obtain a particular type of employment or license, you should first check with the employer or licensing agency to see if it would be helpful to do so.

Even if you receive a pardon, you must still answer "Yes" if asked if you have been convicted of a felony or misdemeanor on an employment application. You can add, however, that you have been pardoned.

RIGHT TO VOTE

In Maryland, if you have been convicted of a felony you may not vote until you have finished serving the period of incarceration imposed by the Court. Upon release from

incarceration your right to vote is automatically restored. You do not need to obtain a pardon before you vote, but you must re-register with your local Board of Elections.

Please note that if you have been convicted of buying or selling votes, you are permanently prohibited from voting in Maryland. If you have been convicted of this crime, you may request a pardon and then seek expungement of the conviction, as described below

THE RIGHT TO OWN AND POSSESS FIREARMS

Maryland prohibits persons convicted of any “disqualifying crime,” which includes any crime of violence, felony, or “any violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years,” from possessing a “regulated firearm.” See Public Safety Article, §§ 5-101(g), 5-133(b)(1)—(2), Annotated Code of Maryland. Relief is available only by means of a pardon.

Please note that there may be Federal laws that apply to you. For more information contact the Bureau of Alcohol, Tobacco, and Firearms, which is a division of the U.S. Department of the Treasury.

FUTURE CONVICTION

A pardon will not prevent prior convictions from being considered if you are later convicted of another offense. Your previous record may be used in the sentencing process even if the offense has been pardoned.

EXPUNGEMENT

An expungement removes information from public inspection. In Maryland, a person charged with a criminal offense may ask for an expungement if he/she was acquitted (found not guilty) or had his/her charges dismissed. Additionally, a person charged but not subsequently convicted of a crime which carried a possible prison sentence may petition for an expungement if: (1) he/she received a probation before judgment; (2) a nolle prosequi was entered in his/her case (this occurs when the prosecutor decides to not prosecute the case before or during trial); (3) his/her case was placed on the “stet docket” (an inactive group of cases which only are reopened upon the failure to complete specific conditions); or (4) his/her case was transferred to juvenile court. A person convicted of only one criminal act that is not a crime of violence is eligible for an expungement if the Governor grants him/her a full and unconditional pardon. Indeed, a court may grant a petition for expungement at any time if the court feels you have shown good cause. A petition for an expungement based on a full and unconditional pardon may be filed immediately after the pardon has been signed by the Governor. It may not be filed later than 10 years after the pardon was signed by the Governor.

WHY SHOULD I APPLY?

A pardon has few direct effects under Maryland law. However, it can be useful in helping you to present yourself as a responsible and law-abiding citizen to employers, licensing agencies, and so on. A pardon serves as recognition that you have adjusted well to society since completing your sentences.

PARDON GUIDELINES

1. No application for pardon shall be considered while the petitioner is incarcerated.
2. Misdemeanants must have been crime-free for a period of five (5) years from the date of sentence, release from incarceration, or release from parole or probation, whichever last occurred.
3. Except as provided in paragraph #4, felons must have been crime-free for ten (10) years from the date of sentence, release from incarceration, or release from parole or probation, whichever last occurred except, however, the Parole Commission may, at its discretion and in specific instances, consider cases in which only seven (7) years have elapsed.
4. Felons convicted of crimes of violence as defined in Criminal Law Article, § 14-101 and felon convicted of controlled dangerous substance violations must have been crime-free for twenty (20) years from the date of sentence, release from incarceration, or release from parole or probation, whichever last occurred, except, however, the Parole Commission may, at its discretion and in specific instances, consider cases in which only fifteen (15) years have elapsed.

FACTORS WHICH SHALL BE CONSIDERED (NOT ALL INCLUSIVE)

1. The nature and circumstances of the crime.
2. The effect of a pardon on the victim and community.
3. The sentence given.
4. The other anti-social behavior of the petitioner.
5. The subsequent rehabilitation of the petitioner.
6. The reason the pardon is needed.