

of Baltimore. Our responsibility for expungement, therefore, would not only extend to the three years that the District Court has been in existence, but would go back for fifty years or more, and would apply to literally millions of cases in every part of the State. In many instances these old court records have been reduced to microfilm, compounding our expungement problems. Our current caseload alone presents problems enough, for in an average year 85,000 persons will stand trial on criminal charges in the District Courts throughout the State, and because this is a court of first impression, approximately 50,000 of those defendants will have their cases setted, nol prossed, or will be found not guilty. Additionally, many persons are processed through the District Court who are subsequently tried in the circuit courts. Expungement ordered by the circuit courts would, therefore, also impose an expungement burden on this court.

I am also fearful that the legislative attempt to exclude motor vehicle offenses from those for which expungement can be ordered may not have been completely successful. Section 732 states, in pertinent part:

"Expungement . . . shall not extend to a violation of any provision relating to the point system of Article 66 1/2 . . . or any other traffic law or ordinance relating to the point system."

There are many offenses in Article 66 1/2 which bear no relation to the point system and expungement, therefore, would apply to those offenses. Further, it can be argued that since expungement does not apply to "violations" of point system offenses in Article 66 1/2, it does apply to those hundreds of thousands of point system cases where, after trial, a "violation" was found not to have occurred.

Also of great concern to me is the failure of the Legislature to adequately set out guidelines to be used by the judges in determining whether an expungement petition should be granted. Section 729 (a) states:

"In any case in which a person is charged with the commission of any criminal or juvenile offense, and a court grants a judgment of acquittal or the case is dismissed or the person is found not guilty, the court, upon the petition of the person charged, shall order the clerk of the court, and any law enforcement agency connected with the case, to expunge all pertinent records for that particular case, provided, however, that a copy of the petition shall be served on the state's attorney of the jurisdiction where the records are located and the state's attorney shall have thirty days after