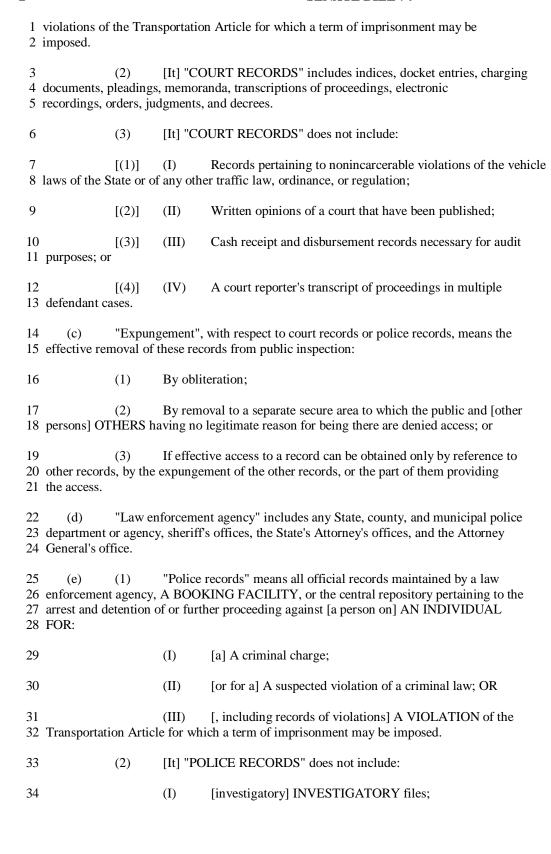
Unofficial Copy E2

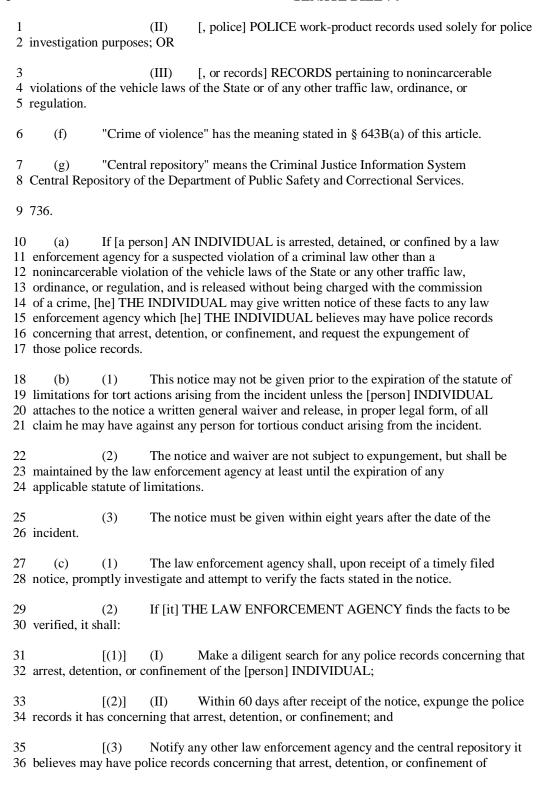
1999 Regular Session 9lr0070

(PRE-FILED)
By: Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services) Requested: July 27, 1998 Introduced and read first time: January 13, 1999 Assigned to: Judicial Proceedings
Committee Report: Favorable Senate action: Adopted Read second time: February 2, 1999
CHAPTER
1 AN ACT concerning
2 Expungement of Police Records - Required Notification
FOR the purpose of expanding the definition of "police records" to include analogous records maintained by a booking facility; requiring a law enforcement agency to forward certain information to a booking facility under certain circumstances; making stylistic and clarifying changes; and generally relating to the expungement of police records.
 8 BY repealing and reenacting, with amendments, 9 Article 27 - Crimes and Punishments 10 Section 735 and 736 11 Annotated Code of Maryland 12 (1996 Replacement Volume and 1998 Supplement)
13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 MARYLAND, That the Laws of Maryland read as follows:
15 Article 27 - Crimes and Punishments
16 735.
17 (a) In this subtitle, the following words have the meanings indicated.

18 (b) (1) "Court records" means all official records maintained by the clerk of a 19 court or other court personnel pertaining to a criminal proceeding including records of



SENATE BILL 74



SENATE BILL 74

- 1 the notice and its verification of the facts contained in it. A copy of this notice shall be 2 sent to the person requesting expungement.] (III)SEND A COPY OF THE NOTICE AND THE LAW ENFORCEMENT 4 AGENCY'S VERIFICATION OF THE FACTS CONTAINED IN THE NOTICE TO: 5 1. THE CENTRAL REPOSITORY; ANY OTHER LAW ENFORCEMENT AGENCY OR BOOKING 6 2. 7 FACILITY THE LAW ENFORCEMENT AGENCY BELIEVES MAY HAVE POLICE RECORDS 8 CONCERNING THAT ARREST, DETENTION, OR CONFINEMENT; AND 9 3. THE INDIVIDUAL REQUESTING EXPUNGEMENT. 10 (d) The other law enforcement agency, BOOKING FACILITY, and the central 11 repository shall, within 30 days after receipt of the notice provided for in subsection 12 [(c)(3)] (C)(2)(III) OF THIS SECTION: 13 Make a diligent search for any police records concerning the arrest, (1) 14 detention, or confinement; and 15 Expunge the police records it has concerning that arrest, detention, (2) 16 or confinement. 17 If the law enforcement agency to which the [person has] INDIVIDUAL (e) 18 addressed [his] THE notice finds that the [person] INDIVIDUAL is not entitled to an 19 expungement of the police records, [it] THE LAW ENFORCEMENT AGENCY shall, 20 within 60 days after receipt of the notice, advise the [person] INDIVIDUAL in writing 21 of its denial of the request for expungement and of the reasons for its denial. 22 (f) [A person] AN INDIVIDUAL whose request for expungement is denied 23 in accordance with subsection (e) OF THIS SECTION may, within 30 days after written 24 notice of the denial is mailed or otherwise delivered to [him] THE INDIVIDUAL, file an 25 application in the District Court having proper venue against the law enforcement 26 agency for an order of expungement. 27 (2) If the court finds, after a hearing held upon proper notice to the 28 agency, that the [person] INDIVIDUAL is entitled to expungement, [it] THE COURT 29 shall enter an order requiring the agency to comply with subsection (c) OF THIS
- 30 SECTION. Otherwise, [it] THE COURT shall deny the application. The agency is
- 31 deemed to be a party to the proceeding. All parties to the proceeding have the right of
- 32 appellate review on the record provided for in the Courts and Judicial Proceedings
- 33 Article with respect to appeals in civil cases from the District Court.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 34
- 35 October 1, 1999.