

HOUSE BILL 624

Unofficial Copy  
E2

2004 Regular Session  
(4lr0916)

*ENROLLED BILL*  
*-- Judiciary/Judicial Proceedings --*

Introduced by **Delegates Carter, Anderson, Dumais, Gutierrez, Howard, Kaiser, Marriott, Nathan-Pulliam, Oaks, Patterson, Ramirez, Rosenberg, and Vallario Vallario, Brown, Kelley, Menes, Sophocleus, Benson, Branch, Griffith, Haynes, Jones, Kirk, Krysiak, Paige, Petzold, Proctor, F. Turner, V. Turner, and Vaughn**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure - Expungement - Automatic Notice to Defendant**

3 FOR the purpose of ~~prohibiting a court from assessing costs against a certain~~  
4 ~~defendant in connection with an expungement under certain circumstances;~~  
5 ~~altering a provision of law so as to make certain procedures relating to~~  
6 ~~expungement of certain records applicable only to certain arrests, detentions, or~~  
7 ~~confinements occurring before a certain date; establishing that for certain~~  
8 ~~arrests, detentions, or confinements occurring on or after a certain date, the~~  
9 ~~person arrested, detained, or confined is entitled to expungement of certain~~  
10 ~~police records; requiring a certain law enforcement unit to take certain actions~~  
11 ~~within a certain amount of time after release of a certain person entitled to~~  
12 ~~expungement of a certain police record; requiring certain entities to take certain~~  
13 ~~actions within a certain amount of time after receipt of a certain notice of~~

1 expungement; authorizing a certain person to apply for a certain order of  
2 expungement under certain circumstances; altering a provision of law so as to  
3 make certain procedures relating to expungement of certain records applicable  
4 only to certain charges filed before a certain date; establishing that for certain  
5 charges filed on or after a certain date, the person charged is entitled to  
6 expungement of certain records under certain circumstances; requiring a court  
7 to pass an order requiring the expungement of certain records under certain  
8 circumstances; requiring a certain custodian of records to take certain actions  
9 within a certain amount of time after a court enters an order of expungement;  
10 altering a provision of law so as to make certain procedures relating to  
11 expungement of certain juvenile records applicable only to certain charges filed  
12 before a certain date; establishing that for certain charges filed on or after a  
13 certain date, the person charged is entitled to expungement of the charge under  
14 certain circumstances; requiring the juvenile court to pass an order requiring  
15 the expungement of certain records under certain circumstances; requiring a  
16 certain custodian of records to take certain actions within a certain amount of  
17 time after a juvenile court enters an order of expungement; repealing a certain  
18 provision denying entitlement to expungement under certain circumstances  
19 relating to charges arising from the same incident, transaction, or set of facts;  
20 providing that the right to expungement of one charge that arises from a  
21 particular incident, transaction, or set of facts does not affect any right to  
22 expungement of any other charge arising out of the same incident, transaction,  
23 or set of facts; requiring a court to advise a certain defendant in a certain  
24 manner that the defendant may be entitled to a certain expungement under  
25 certain circumstances; providing that the failure of a court to comply with a  
26 certain provision of law does not affect the legality or efficacy of a certain  
27 sentence or disposition; and generally relating to expungement of police and  
28 court records.

29 ~~BY repealing and reenacting, without amendments,~~  
30 ~~Article—Criminal Procedure~~  
31 ~~Section 10-101~~  
32 ~~Annotated Code of Maryland~~  
33 ~~(2001 Volume and 2003 Supplement)~~

34 ~~BY repealing and reenacting, with amendments,~~  
35 ~~Article—Criminal Procedure~~  
36 ~~Section 10-102 through 10-106~~  
37 ~~Annotated Code of Maryland~~  
38 ~~(2001 Volume and 2003 Supplement)~~

39 ~~BY repealing~~  
40 ~~Article—Criminal Procedure~~  
41 ~~Section 10-107~~  
42 ~~Annotated Code of Maryland~~  
43 ~~(2001 Volume and 2003 Supplement)~~

1 BY adding to  
 2 Article - Criminal Procedure  
 3 Section ~~10-103.1, 10-105.1, 10-106.1, and 10-107~~ 6-229  
 4 Annotated Code of Maryland  
 5 (2001 Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Criminal Procedure**

9 ~~10-101.~~

10 (a) ~~In this subtitle the following words have the meanings indicated.~~

11 (b) ~~"Central Repository" means the Criminal Justice Information System~~  
 12 ~~Central Repository in the Department.~~

13 (c) (1) ~~"Court record" means an official record of a court about a criminal~~  
 14 ~~proceeding that the clerk of a court or other court personnel keeps.~~

15 (2) ~~"Court record" includes:~~

16 (i) ~~a record of a violation of the Transportation Article for which a~~  
 17 ~~term of imprisonment may be imposed; and~~

18 (ii) ~~an index, docket entry, charging document, pleading,~~  
 19 ~~memorandum, transcription of proceedings, electronic recording, order, and~~  
 20 ~~judgment.~~

21 (d) ~~"Expunge" means to remove information from public inspection in~~  
 22 ~~accordance with this subtitle.~~

23 (e) ~~"Expungement" with respect to a court record or a police record means~~  
 24 ~~removal from public inspection:~~

25 (1) ~~by obliteration;~~

26 (2) ~~by removal to a separate secure area to which persons who do not~~  
 27 ~~have a legitimate reason for access are denied access; or~~

28 (3) ~~if access to a court record or police record can be obtained only by~~  
 29 ~~reference to another court record or police record, by the expungement of it or the part~~  
 30 ~~of it that provides access.~~

31 (f) ~~"Law enforcement unit" means a State, county, or municipal police~~  
 32 ~~department or unit, the office of a sheriff, the office of a State's Attorney, the office of~~  
 33 ~~the State Prosecutor, or the office of the Attorney General of the State.~~

1 (g) "~~Minor traffic violation~~" means a ~~nonincarcerable violation of the~~  
 2 ~~Maryland Vehicle Law or any other traffic law, ordinance, or regulation.~~

3 (h) "~~Police record~~" means an official record that a law enforcement unit,  
 4 ~~booking facility, or the Central Repository maintains about the arrest and detention~~  
 5 ~~of, or further proceeding against, a person for:~~

6 (1) ~~a criminal charge;~~

7 (2) ~~a suspected violation of a criminal law; or~~

8 (3) ~~a violation of the Transportation Article for which a term of~~  
 9 ~~imprisonment may be imposed.~~

10 ~~10-102.~~

11 (a) ~~A police record or a court record [may be expunged] IS SUBJECT TO~~  
 12 ~~EXPUNGEMENT under this subtitle.~~

13 (b) (1) ~~A court record or a police record that existed before July 1, 1975, and~~  
 14 ~~is still maintained, may be expunged under this subtitle.~~

15 (2) ~~A person who is entitled to the expungement of a court record or a~~  
 16 ~~police record that existed before July 1, 1975, may use the procedures for~~  
 17 ~~expungement provided under this subtitle.~~

18 (3) ~~The limitation periods provided in §§ 10-103 and 10-105 of this~~  
 19 ~~subtitle begin when the person becomes entitled to expungement of a court record or~~  
 20 ~~a police record that existed before July 1, 1975.~~

21 (4) ~~The custodian of court records or police records that were made~~  
 22 ~~before July 1, 1975, and that may be expunged under this subtitle:~~

23 (i) ~~shall make a reasonable search for a record requested for~~  
 24 ~~expungement; but~~

25 (ii) ~~need not expunge a court record or a police record that is not~~  
 26 ~~found after a reasonable search.~~

27 (e) ~~This subtitle does not apply to:~~

28 (1) ~~a record about a minor traffic violation;~~

29 (2) ~~the published opinion of a court;~~

30 (3) ~~a cash receipt or disbursement record that is necessary for audit~~  
 31 ~~purposes;~~

32 (4) ~~a transcript of court proceedings made by a court reporter in a~~  
 33 ~~multiple defendant case;~~

1 (5) an investigatory file; or

2 (6) a record of the work product of a law enforcement unit that is used  
3 solely for police investigation.

4 (D) ~~A COURT MAY NOT ASSESS ANY COSTS AGAINST A DEFENDANT IN  
5 CONNECTION WITH AN EXPUNGEMENT THAT IS EFFECTED UNDER THIS SUBTITLE.~~

6 40-103.

7 (a) ~~[A] FOR ARRESTS, DETENTIONS, OR CONFINEMENTS OCCURRING  
8 BEFORE OCTOBER 1, 2004, A person who is arrested, detained, or confined by a law  
9 enforcement unit for the suspected commission of a crime and then is released  
10 without being charged with the commission of a crime may:~~

11 (1) give written notice of these facts to a law enforcement unit that the  
12 person believes may have a police record about the matter; and

13 (2) request the expungement of the police record.

14 (b) (1) ~~Except as provided in paragraph (2) of this subsection, a person may  
15 not give notice under this subtitle before the statute of limitations expires for all tort  
16 claims that arise from the incident.~~

17 (2) (i) ~~A person may give notice before the statute of limitations  
18 expires if the person attaches to the notice a written general waiver and release, in  
19 legal form, of all tort claims that the person has arising from the incident.~~

20 (ii) ~~The notice and waiver are not subject to expungement.~~

21 (3) ~~The law enforcement unit shall keep the notice and waiver at least  
22 until any applicable statute of limitations expires.~~

23 (4) ~~The person shall give the notice within 8 years after the date of the  
24 incident.~~

25 (e) (1) ~~On receipt of a timely filed notice, the law enforcement unit promptly  
26 shall investigate and try to verify the facts stated in the notice.~~

27 (2) ~~If the law enforcement unit finds the facts are true, the law  
28 enforcement unit shall:~~

29 (i) ~~search diligently for each police record about the arrest,  
30 detention, or confinement of the person;~~

31 (ii) ~~expunge each police record it has about the arrest, detention, or  
32 confinement within 60 days after receipt of the notice; and~~

33 (iii) ~~send a copy of the notice and the law enforcement unit's  
34 verification of the facts in the notice to:~~

- 1                                   1.        the Central Repository;
- 2                                   2.        each booking facility or law enforcement unit that the law  
3 enforcement unit believes may have a police record about the arrest, detention, or  
4 confinement; and
- 5                                   3.        the person requesting expungement.

6        (d)        ~~Within 30 days after receipt of the notice, the Central Repository, booking~~  
7 ~~facility, and any other law enforcement unit shall search diligently for and expunge a~~  
8 ~~police record about the arrest, detention, or confinement.~~

9        (e)        If the law enforcement unit to which the person has sent notice finds that  
10 the person is not entitled to an expungement of the police record, the law enforcement  
11 unit, within 60 days after receipt of the notice, shall advise the person in writing of:

12                   (1)        the denial of the request for expungement; and

13                   (2)        the reasons for the denial.

14        (f)        (1)        (i)        If a request by the person for expungement of a police record is  
15 denied under subsection (e) of this section, the person may apply for an order of  
16 expungement in the District Court that has proper venue against the law  
17 enforcement unit.

18                                   (ii)        The person shall file the application within 30 days after the  
19 written notice of the denial is mailed or delivered to the person.

20                   (2)        After notice to the law enforcement unit, the court shall hold a  
21 hearing.

22                   (3)        If the court finds that the person is entitled to expungement, the  
23 court shall order the law enforcement unit to expunge the police record.

24                   (4)        If the court finds that the person is not entitled to expungement of  
25 the police record, the court shall deny the application.

26                   (5)        (i)        The law enforcement unit is a party to the proceeding.

27                                   (ii)        Each party to the proceeding is entitled to appellate review on  
28 the record, as provided in the Courts Article for appeals in civil cases from the District  
29 Court.

30 ~~10-103.1.~~

31        (A)        ~~FOR ARRESTS, DETENTIONS, OR CONFINEMENTS OCCURRING ON OR~~  
32 ~~AFTER OCTOBER 1, 2004, A PERSON WHO IS ARRESTED, DETAINED, OR CONFINED BY~~  
33 ~~A LAW ENFORCEMENT UNIT FOR THE SUSPECTED COMMISSION OF A CRIME AND~~  
34 ~~THEN IS RELEASED WITHOUT BEING CHARGED WITH THE COMMISSION OF A CRIME~~  
35 ~~IS ENTITLED TO EXPUNGEMENT OF ALL POLICE RECORDS RELATING TO THE~~  
36 ~~MATTER.~~

1 ~~(B) WITHIN 30 DAYS AFTER RELEASE OF A PERSON ENTITLED TO~~  
2 ~~EXPUNGEMENT OF A POLICE RECORD UNDER SUBSECTION (A) OF THIS SECTION, THE~~  
3 ~~LAW ENFORCEMENT UNIT SHALL:~~

4 ~~(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE RECORD~~  
5 ~~ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON; AND~~

6 ~~(2) SEND A NOTICE OF EXPUNGEMENT CONTAINING ALL RELEVANT~~  
7 ~~FACTS ABOUT THE EXPUNGEMENT AND UNDERLYING ARREST, DETENTION, OR~~  
8 ~~CONFINEMENT TO:~~

9 ~~(I) THE CENTRAL REPOSITORY;~~

10 ~~(II) EACH BOOKING FACILITY OR LAW ENFORCEMENT UNIT THAT~~  
11 ~~THE LAW ENFORCEMENT UNIT BELIEVES MAY HAVE A POLICE RECORD ABOUT THE~~  
12 ~~ARREST, DETENTION, OR CONFINEMENT; AND~~

13 ~~(III) THE PERSON ENTITLED TO EXPUNGEMENT.~~

14 ~~(C) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL~~  
15 ~~REPOSITORY, BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT SHALL:~~

16 ~~(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE RECORD~~  
17 ~~ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON; AND~~

18 ~~(2) ADVISE IN WRITING THE PERSON ENTITLED TO EXPUNGEMENT OF~~  
19 ~~COMPLIANCE WITH THE ORDER.~~

20 ~~(D) (1) IF A LAW ENFORCEMENT UNIT, BOOKING FACILITY, OR THE~~  
21 ~~CENTRAL REPOSITORY FAILS TO EXPUNGE A POLICE RECORD AS REQUIRED UNDER~~  
22 ~~SUBSECTION (B) OR (C) OF THIS SECTION, THE PERSON MAY APPLY FOR AN ORDER OF~~  
23 ~~EXPUNGEMENT IN THE DISTRICT COURT THAT HAS PROPER VENUE AGAINST THE~~  
24 ~~LAW ENFORCEMENT UNIT OR OTHER RESPONDENT.~~

25 ~~(2) AFTER NOTICE TO THE RESPONDENT, THE COURT SHALL HOLD A~~  
26 ~~HEARING.~~

27 ~~(3) IF THE COURT FINDS THAT THE PERSON IS ENTITLED TO~~  
28 ~~EXPUNGEMENT, THE COURT SHALL ORDER THE RESPONDENT TO EXPUNGE THE~~  
29 ~~POLICE RECORD.~~

30 ~~(4) IF THE COURT FINDS THAT THE PERSON IS NOT ENTITLED TO~~  
31 ~~EXPUNGEMENT OF THE POLICE RECORD, THE COURT SHALL DENY THE~~  
32 ~~APPLICATION.~~

33 ~~10-104.~~

34 ~~[(a) Unless] FOR CHARGES FILED BEFORE OCTOBER 1, 2004, UNLESS the State~~  
35 ~~objects and shows cause why a record should not be expunged, if the State enters a~~  
36 ~~nolle prosequi as to all charges in a criminal case within the jurisdiction of the~~

1 District Court with which a defendant has not been served, the District Court may  
 2 order expungement of each court record, police record, or other record that the State  
 3 or a political subdivision of the State keeps as to the charges.

4 ~~[(b) The District Court may not assess any costs against a defendant for a  
 5 proceeding under subsection (a) of this section.]~~

6 ~~10-105.~~

7 ~~(a) [A] FOR CHARGES FILED BEFORE OCTOBER 1, 2004, A person who has been  
 8 charged with the commission of a crime, including a violation of the Transportation  
 9 Article for which a term of imprisonment may be imposed, may file a petition listing  
 10 relevant facts for expungement of a police record, court record, or other record  
 11 maintained by the State or a political subdivision of the State if:~~

12 ~~(1) the person is acquitted;~~

13 ~~(2) the charge is otherwise dismissed;~~

14 ~~(3) a probation before judgment is entered, unless the person is charged  
 15 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §  
 16 3-211 of the Criminal Law Article;~~

17 ~~(4) a nolle prosequi is entered;~~

18 ~~(5) the court indefinitely postpones trial of a criminal charge by marking  
 19 the criminal charge "stet" on the docket;~~

20 ~~(6) the case is compromised under § 3-207 of the Criminal Law Article;~~

21 ~~(7) the charge was transferred to the juvenile court under § 4-202 of this  
 22 article; or~~

23 ~~(8) the person:~~

24 ~~(i) is convicted of only one criminal act, and that act is not a crime  
 25 of violence; and~~

26 ~~(ii) is granted a full and unconditional pardon by the Governor.~~

27 ~~(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a  
 28 person shall file a petition in the court in which the proceeding began.~~

29 ~~(2) If the proceeding began in one court and was transferred to another  
 30 court, the person shall file the petition in the court to which the proceeding was  
 31 transferred.~~

32 ~~(3) (i) If the proceeding in a court of original jurisdiction was appealed  
 33 to a court exercising appellate jurisdiction, the person shall file the petition in the  
 34 appellate court.~~

1 (ii) The appellate court may remand the matter to the court of  
2 original jurisdiction.

3 (e) (1) A petition for expungement based on an acquittal, a nolle prosequi, or  
4 a dismissal may not be filed within 3 years after the disposition, unless the petitioner  
5 files with the petition a written general waiver and release of all the petitioner's tort  
6 claims arising from the charge.

7 (2) A petition for expungement based on a probation before judgment  
8 may not be filed earlier than the later of:

9 (i) the date the petitioner was discharged from probation; or

10 (ii) 3 years after the probation was granted.

11 (3) A petition for expungement based on a full and unconditional pardon  
12 by the Governor may not be filed later than 10 years after the pardon was signed by  
13 the Governor.

14 (4) A petition for expungement based on a stet or a compromise under §  
15 3-207 of the Criminal Law Article may not be filed within 3 years after the stet or  
16 compromise.

17 (5) A court may grant a petition for expungement at any time on a  
18 showing of good cause.

19 (d) (1) The court shall have a copy of a petition for expungement served on  
20 the State's Attorney.

21 (2) Unless the State's Attorney files an objection to the petition for  
22 expungement within 30 days after the petition is served, the court shall pass an order  
23 requiring the expungement of all police records and court records about the charge.

24 (e) (1) If the State's Attorney files a timely objection to the petition, the  
25 court shall hold a hearing.

26 (2) If the court at the hearing finds that the person is entitled to  
27 expungement, the court shall order the expungement of all police records and court  
28 records about the charge.

29 (3) If the court finds that the person is not entitled to expungement, the  
30 court shall deny the petition.

31 (4) The person is not entitled to expungement if:

32 (i) the petition is based on the entry of probation before judgment,  
33 a nolle prosequi, or a stet, or the grant of a pardon by the Governor; and

34 (ii) the person:

1                                   1.       since the full and unconditional pardon or entry, has been  
2 convicted of a crime other than a minor traffic violation; or

3                                   2.       is a defendant in a pending criminal proceeding.

4       (f)       Unless an order is stayed pending an appeal, within 60 days after entry of  
5 the order, every custodian of the police records and court records that are subject to  
6 the order of expungement shall advise in writing the court and the person who is  
7 seeking expungement of compliance with the order.

8       (g)       (1)       The State's Attorney is a party to the proceeding.

9                                   (2)       A party aggrieved by the decision of the court is entitled to appellate  
10 review as provided in the Courts Article.

11 ~~10-105.1.~~

12       (A)       ~~FOR CHARGES FILED ON OR AFTER OCTOBER 1, 2004, A PERSON WHO HAS  
13 BEEN CHARGED WITH THE COMMISSION OF A CRIME, INCLUDING A VIOLATION OF  
14 THE TRANSPORTATION ARTICLE FOR WHICH A TERM OF IMPRISONMENT MAY BE  
15 IMPOSED, IS ENTITLED TO EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR  
16 OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
17 STATE IF:~~

18                                   (1)       ~~THE PERSON IS ACQUITTED;~~

19                                   (2)       ~~THE CHARGE IS OTHERWISE DISMISSED;~~

20                                   (3)       ~~A PROBATION BEFORE JUDGMENT IS ENTERED, UNLESS THE  
21 PERSON IS CHARGED WITH A VIOLATION OF § 21-902 OF THE TRANSPORTATION  
22 ARTICLE OR TITLE 2, SUBTITLE 5 OR § 3-211 OF THE CRIMINAL LAW ARTICLE;~~

23                                   (4)       ~~A NOLLE PROSEQUI IS ENTERED;~~

24                                   (5)       ~~THE COURT INDEFINITELY POSTPONES TRIAL OF A CRIMINAL  
25 CHARGE BY MARKING THE CRIMINAL CHARGE "STET" ON THE DOCKET;~~

26                                   (6)       ~~THE CASE IS COMPROMISED UNDER § 3-207 OF THE CRIMINAL LAW  
27 ARTICLE;~~

28                                   (7)       ~~THE CHARGE WAS TRANSFERRED TO THE JUVENILE COURT UNDER §  
29 4-202 OF THIS ARTICLE; OR~~

30                                   (8)       ~~THE PERSON:~~

31                                   (i)       ~~IS CONVICTED OF ONLY ONE CRIMINAL ACT, AND THAT ACT IS  
32 NOT A CRIME OF VIOLENCE; AND~~

33                                   (ii)       ~~IS GRANTED A FULL AND UNCONDITIONAL PARDON BY THE  
34 GOVERNOR.~~

1 (B) IMMEDIATELY AFTER DISPOSITION OF A CHARGE AS SET FORTH IN  
2 SUBSECTION (A) OF THIS SECTION, THE COURT EFFECTING THE DISPOSITION SHALL  
3 PASS AN ORDER REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND  
4 COURT RECORDS ABOUT THE CHARGE.

5 (C) WITHIN 30 DAYS AFTER ENTRY OF THE ORDER, EACH CUSTODIAN OF THE  
6 POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF  
7 EXPUNGEMENT SHALL:

8 (1) SEARCH DILIGENTLY FOR AND EXPUNGE ALL POLICE RECORDS AND  
9 COURT RECORDS RELATING TO THE CHARGE; AND

10 (2) ADVISE IN WRITING THE COURT AND THE PERSON ENTITLED TO  
11 EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.

12 10-106.

13 (a) In this section AND § 10-107 OF THIS SUBTITLE, "delinquency petition"  
14 means a petition filed under § 3-8A-10 of the Courts Article alleging that a child is a  
15 delinquent child.

16 (b) [A] FOR CHARGES FILED BEFORE OCTOBER 1, 2004, A person may file a  
17 petition for expungement of a criminal charge transferred to the juvenile court under  
18 § 4-202 of this article:

19 (1) after the date of the decision not to file a delinquency petition; or

20 (2) after the decision on the delinquency petition of facts not sustained.

21 (c) The court may grant a petition for expungement to a person when the  
22 person becomes 21 years old, if a charge transferred under § 4-202 of this article  
23 resulted in the adjudication of the person as a delinquent child.

24 (d) A court shall grant a petition for expungement of a criminal charge that  
25 was transferred to the juvenile court under § 4-202 of this article, if:

26 (1) the charge that was transferred under § 4-202 of this article did not  
27 result in the filing of a delinquency petition; or

28 (2) the decision on the delinquency petition was that there was a finding  
29 of facts not sustained.

30 10-106.1.

31 (A) FOR CHARGES FILED ON OR AFTER OCTOBER 1, 2004, A PERSON IS  
32 ENTITLED TO EXPUNGEMENT OF A CRIMINAL CHARGE TRANSFERRED TO THE  
33 JUVENILE COURT UNDER § 4-202 OF THIS ARTICLE:

34 (1) AFTER THE DATE OF THE DECISION NOT TO FILE A DELINQUENCY  
35 PETITION;

1           (2)     ~~AFTER THE DECISION ON THE DELINQUENCY PETITION OF~~  
2 ~~FACTS NOT SUSTAINED; OR~~

3           (3)     ~~WHEN THE PERSON BECOMES 21 YEARS OLD, IF THE CHARGE~~  
4 ~~RESULTED IN THE ADJUDICATION OF THE PERSON AS A DELINQUENT CHILD.~~

5     ~~(B)     IMMEDIATELY AFTER DISPOSITION OF A CHARGE AS SET FORTH IN~~  
6 ~~SUBSECTION (A) OF THIS SECTION, THE JUVENILE COURT SHALL PASS AN ORDER~~  
7 ~~REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS~~  
8 ~~ABOUT THE CHARGE.~~

9     ~~(C)     WITHIN 30 DAYS AFTER ENTRY OF THE ORDER, EACH CUSTODIAN OF THE~~  
10 ~~POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF~~  
11 ~~EXPUNGEMENT SHALL:~~

12           (1)     ~~SEARCH DILIGENTLY FOR AND EXPUNGE ALL POLICE RECORDS AND~~  
13 ~~COURT RECORDS RELATING TO THE CHARGE; AND~~

14           (2)     ~~ADVISE IN WRITING THE JUVENILE COURT AND THE PERSON~~  
15 ~~ENTITLED TO EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.~~

16 ~~10-107.~~

17     ~~(a)     (1)     In this subtitle, if two or more charges, other than one for a minor~~  
18 ~~traffic violation, arise from the same incident, transaction, or set of facts, they are~~  
19 ~~considered to be a unit.~~

20           (2)     ~~A charge for a minor traffic violation that arises from the same~~  
21 ~~incident, transaction, or set of facts as a charge in the unit is not a part of the unit.~~

22     ~~(b)     (1)     If a person is not entitled to expungement of one charge in a unit, the~~  
23 ~~person is not entitled to expungement of any other charge in the unit.~~

24           (2)     ~~The disposition of a charge for a minor traffic violation that arises~~  
25 ~~from the same incident, transaction, or set of facts as a charge in the unit does not~~  
26 ~~affect any right to expungement of a charge in the unit.]~~

27 ~~10-107.~~

28     ~~THE RIGHT TO EXPUNGEMENT OF ONE CHARGE THAT ARISES FROM A~~  
29 ~~PARTICULAR INCIDENT, TRANSACTION, OR SET OF FACTS DOES NOT AFFECT ANY~~  
30 ~~RIGHT TO EXPUNGEMENT OF ANOTHER CHARGE ARISING OUT OF THE SAME~~  
31 ~~INCIDENT, TRANSACTION, OR SET OF FACTS.~~

32 ~~6-229.~~

33     ~~(A)     IN A CRIMINAL CASE, WHEN ALL OF THE CHARGES AGAINST THE~~  
34 ~~DEFENDANT ARE DISPOSED OF BY ACQUITTAL, DISMISSAL, PROBATION BEFORE~~  
35 ~~JUDGMENT, NOLLE PROSEQUI, OR STET, THE COURT SHALL ADVISE THE DEFENDANT~~  
36 ~~VERBALLY AND IN WRITING THAT THE DEFENDANT MAY BE ENTITLED TO EXPUNGE~~

1 THE RECORDS RELATING TO THE CHARGE OR CHARGES AGAINST THE DEFENDANT  
2 IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THIS ARTICLE.

3 (B) THE FAILURE OF A COURT TO COMPLY WITH SUBSECTION (A) OF THIS  
4 SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE OR  
5 DISPOSITION OF THE CASE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2004.