

**HB0010/543127/1**

BY: Senator Jacobs

AMENDMENTS TO HOUSE BILL 10  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “altering” insert “, in certain counties.”.

On page 2, in line 7, after “costs;” insert “providing that certain provisions of this Act do not apply in certain counties; providing for the expungement of certain police records applicable to certain arrests, detentions, or confinements in Cecil County and Harford County;”; and in line 21, after “10–103.1” insert “and 10–103.2”.

AMENDMENT NO. 2

On page 3, in line 11, after “(a)” insert “**THIS SECTION DOES NOT APPLY IN CECIL COUNTY OR HARFORD COUNTY.**”

**(B)**”;

and in line 18, strike “(b)” and substitute “**(C)**”.

On page 4, in lines 1, 17, 20, 26, and 27, strike “(c)”, “(d)”, “(e)”, “(f)”, and “(e)”, respectively, and substitute “**(D)**”, “**(E)**”, “**(F)**”, “**(G)**”, and “**(F)**”, respectively.

On page 5, in line 13, strike “**(G)**” and substitute “**(H)**”; in line 17, after “(A)” insert “**THIS SECTION DOES NOT APPLY IN CECIL COUNTY OR HARFORD COUNTY.**”

**(B)**”;

and in line 23, strike “(B)” and substitute “**(C)**”.

(Over)

On page 6, in lines 9, 17, and 27, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; and in line 29, strike “(B) OR (C)” and substitute “(C) OR (D)”.

On page 7, in line 4, strike “(F)” and substitute “(G)”; and after line 6, insert:

**“10-103.2.**

**(A) THIS SECTION APPLIES ONLY IN CECIL COUNTY AND HARFORD COUNTY.**

**(B) A PERSON WHO IS ARRESTED, DETAINED, OR CONFINED BY A LAW ENFORCEMENT UNIT FOR THE SUSPECTED COMMISSION OF A CRIME AND THEN IS RELEASED WITHOUT BEING CHARGED WITH THE COMMISSION OF A CRIME MAY:**

**(1) GIVE WRITTEN NOTICE OF THESE FACTS TO A LAW ENFORCEMENT UNIT THAT THE PERSON BELIEVES MAY HAVE A POLICE RECORD ABOUT THE MATTER; AND**

**(2) REQUEST THE EXPUNGEMENT OF THE POLICE RECORD.**

**(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT GIVE NOTICE UNDER THIS SUBTITLE BEFORE THE STATUTE OF LIMITATIONS EXPIRES FOR ALL TORT CLAIMS THAT ARISE FROM THE INCIDENT.**

**(2) (I) A PERSON MAY GIVE NOTICE BEFORE THE STATUTE OF LIMITATIONS EXPIRES IF THE PERSON ATTACHES TO THE NOTICE A WRITTEN**

GENERAL WAIVER AND RELEASE, IN LEGAL FORM, OF ALL TORT CLAIMS THAT THE PERSON HAS ARISING FROM THE INCIDENT.

(II) THE NOTICE AND WAIVER ARE NOT SUBJECT TO EXPUNGEMENT.

(3) THE LAW ENFORCEMENT UNIT SHALL KEEP THE NOTICE AND WAIVER AT LEAST UNTIL ANY APPLICABLE STATUTE OF LIMITATIONS EXPIRES.

(4) THE PERSON SHALL GIVE THE NOTICE WITHIN 8 YEARS AFTER THE DATE OF THE INCIDENT.

(D) (1) ON RECEIPT OF A TIMELY FILED NOTICE, THE LAW ENFORCEMENT UNIT PROMPTLY SHALL INVESTIGATE AND TRY TO VERIFY THE FACTS STATED IN THE NOTICE.

(2) IF THE LAW ENFORCEMENT UNIT FINDS THE FACTS ARE TRUE, THE LAW ENFORCEMENT UNIT SHALL:

(I) SEARCH DILIGENTLY FOR EACH POLICE RECORD ABOUT THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON;

(II) EXPUNGE EACH POLICE RECORD IT HAS ABOUT THE ARREST, DETENTION, OR CONFINEMENT WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE; AND

(III) SEND A COPY OF THE NOTICE AND THE LAW ENFORCEMENT UNIT'S VERIFICATION OF THE FACTS IN THE NOTICE TO:

1. THE CENTRAL REPOSITORY;

(Over)

**2. EACH BOOKING FACILITY OR LAW ENFORCEMENT UNIT THAT THE LAW ENFORCEMENT UNIT BELIEVES MAY HAVE A POLICE RECORD ABOUT THE ARREST, DETENTION, OR CONFINEMENT; AND**

**3. THE PERSON REQUESTING EXPUNGEMENT.**

**(E) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL REPOSITORY, BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT SHALL SEARCH DILIGENTLY FOR AND EXPUNGE A POLICE RECORD ABOUT THE ARREST, DETENTION, OR CONFINEMENT.**

**(F) IF THE LAW ENFORCEMENT UNIT TO WHICH THE PERSON HAS SENT NOTICE FINDS THAT THE PERSON IS NOT ENTITLED TO AN EXPUNGEMENT OF THE POLICE RECORD, THE LAW ENFORCEMENT UNIT, WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE, SHALL ADVISE THE PERSON IN WRITING OF:**

**(1) THE DENIAL OF THE REQUEST FOR EXPUNGEMENT; AND**

**(2) THE REASONS FOR THE DENIAL.**

**(G) (1) (I) IF A REQUEST BY THE PERSON FOR EXPUNGEMENT OF A POLICE RECORD IS DENIED UNDER SUBSECTION (E) OF THIS SECTION, THE PERSON MAY APPLY FOR AN ORDER OF EXPUNGEMENT IN THE DISTRICT COURT THAT HAS PROPER VENUE AGAINST THE LAW ENFORCEMENT UNIT.**

**(II) THE PERSON SHALL FILE THE APPLICATION WITHIN 30 DAYS AFTER THE WRITTEN NOTICE OF THE DENIAL IS MAILED OR DELIVERED TO THE PERSON.**

**(2) AFTER NOTICE TO THE LAW ENFORCEMENT UNIT, THE COURT SHALL HOLD A HEARING.**

**(3) IF THE COURT FINDS THAT THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL ORDER THE LAW ENFORCEMENT UNIT TO EXPUNGE THE POLICE RECORD.**

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

**(5) (I) THE LAW ENFORCEMENT UNIT IS A PARTY TO THE PROCEEDING.**

**(II) EACH PARTY TO THE PROCEEDING IS ENTITLED TO APPELLATE REVIEW ON THE RECORD, AS PROVIDED IN THE COURTS ARTICLE FOR APPEALS IN CIVIL CASES FROM THE DISTRICT COURT.”.**