

Article - Criminal Procedure

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§10–103.

(a) For arrests, detentions, or confinements occurring before October 1, 2007, 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 request the expungement of the police record.

(b) The person shall request expungement within 8 years after the date of the incident.

(c) (1) On receipt of a timely filed request, the law enforcement unit promptly shall investigate and try to verify the facts stated in the request.

(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 request; and

(iii) send a copy of the request and the law enforcement unit's verification of the facts in the request to:

1. the Central Repository;
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.

(d) Within 60 days after receipt of the request, 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.

(e) If the law enforcement unit to which the person has sent a request 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 request, shall advise the person in writing of:

- (1) the denial of the request for expungement; and
- (2) the reasons for the denial.

(f) (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.

(g) A person who is entitled to expungement under this section may not be required to pay any fee or costs in connection with the expungement.

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