

Article - Criminal Procedure

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§10–223.

(a) A person who has inspected the person's own criminal history record information may challenge the completeness, contents, accuracy, or dissemination of the information.

(b) A person challenging criminal history record information under subsection (a) of this section shall give written notice of the challenge to the Central Repository and, if the inspection was not at the Central Repository, to the criminal justice unit where the person inspected the information.

(c) The notice under subsection (b) of this section shall:

(1) state:

(i) the part of the criminal history record information being challenged;

(ii) the reason for the challenge; and

(iii) the change requested to correct or complete the criminal history record information or its dissemination;

(2) include any available certified documentation or other evidence supporting the challenge; and

(3) contain a sworn statement, under penalty of perjury, that the information in or supporting the challenge is accurate and the challenge is made in good faith.

(d) (1) After receiving the notice under subsection (b) of this section, the Central Repository shall audit that part of the criminal history record information that is necessary to determine the validity of the challenge.

(2) As part of the audit, the Central Repository may require the criminal justice unit that was the source of the challenged criminal history record information to verify the information.

(e) Within 90 days after receiving notice of the challenge, the Central Repository shall notify the person challenging the criminal history record information in writing of the audit results and its decision.

(f) If the challenge is denied as a whole or in part, the notice required under subsection (e) of this section shall inform the person of the right to appeal the decision.

(g) If the challenge is denied as a whole or in part, the Central Repository shall send written notice of this decision to each criminal justice unit that was sent a copy of the challenge.

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