

# HOUSE BILL 1227

E3, E2

9lr1457

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By: **Delegates Carter, Anderson, Barnes, Dumais, Ramirez, Rosenberg, Schuler, and Valderrama**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Proceedings - Expungement of ~~Police Records~~ Criminal Charge**  
3 **Transferred to Juvenile Court**

4 FOR the purpose of ~~requiring the expungement of certain police records in connection~~  
5 ~~with juvenile proceedings relating to a delinquent act if certain procedures are~~  
6 ~~met, establishing that for certain detentions or confinements in a juvenile~~  
7 ~~proceeding occurring on or after a certain date, the person detained or confined~~  
8 ~~is entitled to expungement of certain police records; requiring a certain law~~  
9 ~~enforcement unit to take certain actions within a certain amount of time after~~  
10 ~~release of a certain person entitled to expungement of a certain police record;~~  
11 ~~requiring certain entities to take certain actions within a certain amount of time~~  
12 ~~after receipt of a certain notice of expungement; establishing that a police record~~  
13 ~~that is expunged under certain circumstances may not be expunged by~~  
14 ~~obliteration for a certain period of time; providing for the circumstances under~~  
15 ~~which certain records can be accessed; authorizing a person entitled to~~  
16 ~~expungement of a police record to use a certain legal remedy and recover certain~~  
17 ~~costs under certain circumstances; providing that a person is entitled to~~  
18 ~~expungement of a criminal charge under certain circumstances; repealing~~  
19 ~~certain procedures and time requirements for the expungement of a certain~~  
20 ~~criminal charge; prohibiting a person who is entitled to expungement of certain~~  
21 ~~police records under certain circumstances from being required to pay any fees~~  
22 ~~or costs in connection with the expungement; defining certain terms; and~~  
23 ~~generally relating to juvenile proceedings and expungement of police records~~  
24 altering provisions relating to the expungement of certain criminal records to  
25 require a court to grant a petition for expungement of a criminal charge

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 transferred to the juvenile court; repealing provisions limiting the  
 2 circumstances under which a person may file, and a court is required or  
 3 authorized to grant, a petition for expungement of a criminal charge transferred  
 4 to the juvenile court; and generally relating to the expungement of criminal  
 5 charges transferred to the juvenile court.

6 BY repealing and reenacting, with amendments,  
 7 Article – Criminal Procedure  
 8 Section ~~10-101, 10-105, and 10-106~~  
 9 Annotated Code of Maryland  
 10 (2008 Replacement Volume)

11 ~~BY adding to~~  
 12 ~~Article – Criminal Procedure~~  
 13 ~~Section 10-103.2 and 10-103.3~~  
 14 ~~Annotated Code of Maryland~~  
 15 ~~(2008 Replacement Volume)~~

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

18 **Article – Criminal Procedure**

19 ~~10-101.~~

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

21 (b) ~~“Central Repository” means the Criminal Justice Information System~~  
 22 ~~Central Repository in the Department.~~

23 (c) (1) ~~“Court record” means an official record of a court that the clerk of a~~  
 24 ~~court or other court personnel keeps about.~~

25 (i) ~~a criminal proceeding; [or]~~

26 (ii) ~~A JUVENILE PROCEEDING; OR~~

27 (iii) ~~any other proceeding[, except a juvenile proceeding,]~~  
 28 ~~concerning a civil offense or infraction enacted under State or local law as a substitute~~  
 29 ~~for a criminal charge.~~

30 (2) ~~“Court record” includes:~~

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

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

3           ~~(D) "DELINQUENCY PETITION" MEANS A PETITION FILED UNDER §~~  
4 ~~3-8A-10 OF THE COURTS ARTICLE ALLEGING THAT A CHILD IS A DELINQUENT~~  
5 ~~CHILD.~~

6           ~~(E) "DELINQUENT ACT" MEANS AN ACT WHICH WOULD BE A CRIME IF~~  
7 ~~COMMITTED BY AN ADULT.~~

8           ~~[(d)] (F) "Expunge" means to remove information from public inspection in~~  
9 ~~accordance with this subtitle.~~

10           ~~[(e)] (G) "Expungement" with respect to a court record or a police record~~  
11 ~~means removal from public inspection:~~

12                   (1) ~~by obliteration;~~

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

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

18           ~~[(f)] (H) (1) "Law enforcement unit" means a State, county, or municipal~~  
19 ~~police department or unit, the office of a sheriff, the office of a State's Attorney, the~~  
20 ~~Office of the State Prosecutor, or the Office of the Attorney General of the State.~~

21                   (2) ~~"LAW ENFORCEMENT UNIT" INCLUDES THE DEPARTMENT OF~~  
22 ~~JUVENILE SERVICES FOR A JUVENILE PROCEEDING.~~

23           ~~[(g)] (I) "Minor traffic violation" means a nonincarcerable violation of the~~  
24 ~~Maryland Vehicle Law or any other traffic law, ordinance, or regulation.~~

25           ~~[(h)] (J) "Police record" means an official record that a law enforcement~~  
26 ~~unit, booking facility, or the Central Repository maintains about the arrest and~~  
27 ~~detention of, or further proceeding against, a person for:~~

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

29                   (2) ~~a suspected violation of a criminal law;~~

30                   (3) ~~A SUSPECTED DELINQUENT ACT;~~

~~(4) a violation of the Transportation Article for which a term of imprisonment may be imposed; or~~

~~[(4)] (5) a civil offense or infraction[, except a juvenile offense,] enacted under State or local law as a substitute for a criminal charge.~~

~~10-103.2.~~

~~(A) FOR DETENTIONS OR CONFINEMENTS IN A JUVENILE PROCEEDING OCCURRING BEFORE OCTOBER 1, 2009, A PERSON WHO AS A MINOR IS DETAINED OR CONFINED BY A LAW ENFORCEMENT UNIT FOR THE SUSPECTED COMMISSION OF A DELINQUENT ACT MAY REQUEST THE EXPUNGEMENT OF THE POLICE RECORD IF THE PERSON IS RELEASED;~~

~~(1) WITHOUT THE FILING OF A DELINQUENCY PETITION OR PEACE ORDER; OR~~

~~(2) IN ACCORDANCE WITH AN INFORMAL ADJUSTMENT PROCEDURE UNDER § 3-8A-10 OF THE COURTS ARTICLE.~~

~~(B) (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 DETENTION OR CONFINEMENT OF THE PERSON;~~

~~(II) EXPUNGE EACH POLICE RECORD IT HAS ABOUT THE 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 DETENTION OR CONFINEMENT; AND~~

~~3. THE PERSON REQUESTING THE EXPUNGEMENT.~~

1       ~~(C) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST, THE CENTRAL~~  
2 ~~REPOSITORY, BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT~~  
3 ~~SHALL SEARCH DILIGENTLY FOR AND EXPUNGE A POLICE RECORD ABOUT THE~~  
4 ~~DETENTION OR CONFINEMENT.~~

5       ~~(D) IF THE LAW ENFORCEMENT UNIT TO WHICH THE PERSON HAS SENT~~  
6 ~~A REQUEST FINDS THAT THE PERSON IS NOT ENTITLED TO AN EXPUNGEMENT~~  
7 ~~OF THE POLICE RECORD, THE LAW ENFORCEMENT UNIT, WITHIN 60 DAYS AFTER~~  
8 ~~RECEIPT OF THE REQUEST, SHALL ADVISE THE PERSON IN WRITING OF:~~

9             ~~(1) THE DENIAL OF THE REQUEST FOR EXPUNGEMENT; AND~~

10            ~~(2) THE REASONS FOR THE DENIAL.~~

11       ~~(E) (1) (i) IF A REQUEST BY THE PERSON FOR EXPUNGEMENT OF A~~  
12 ~~POLICE RECORD IS DENIED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE~~  
13 ~~PERSON MAY APPLY FOR AN ORDER OF EXPUNGEMENT IN THE DISTRICT COURT~~  
14 ~~THAT HAS PROPER VENUE AGAINST THE LAW ENFORCEMENT UNIT.~~

15             ~~(H) THE PERSON SHALL FILE THE APPLICATION WITHIN 30~~  
16 ~~DAYS AFTER THE WRITTEN NOTICE OF THE DENIAL IS MAILED OR DELIVERED~~  
17 ~~TO THE PERSON.~~

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

20            ~~(3) IF THE COURT FINDS THAT THE PERSON IS ENTITLED TO~~  
21 ~~EXPUNGEMENT OF THE POLICE RECORD, THE COURT SHALL ORDER THE LAW~~  
22 ~~ENFORCEMENT UNIT TO EXPUNGE THE POLICE RECORD.~~

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

26            ~~(5) (i) THE LAW ENFORCEMENT UNIT IS A PARTY TO THE~~  
27 ~~PROCEEDING.~~

28             ~~(H) EACH PARTY TO THE PROCEEDING IS ENTITLED TO~~  
29 ~~APPELLATE REVIEW ON THE RECORD, AS PROVIDED IN THE COURTS ARTICLE~~  
30 ~~FOR APPEALS IN CIVIL CASES FROM THE DISTRICT COURT.~~

31       ~~(F) A PERSON WHO IS ENTITLED TO EXPUNGEMENT OF THE POLICE~~  
32 ~~RECORD UNDER THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEES OR~~  
33 ~~COSTS IN CONNECTION WITH THE EXPUNGEMENT.~~

1 ~~10-103.3.~~

2 ~~(A) FOR DETENTIONS OR CONFINEMENTS IN A JUVENILE PROCEEDING~~  
3 ~~OCCURRING ON OR AFTER OCTOBER 1, 2009, A PERSON WHO AS A MINOR IS~~  
4 ~~DETAINED OR CONFINED BY A LAW ENFORCEMENT UNIT FOR THE SUSPECTED~~  
5 ~~COMMISSION OF A DELINQUENT ACT IS ENTITLED TO EXPUNGEMENT OF ALL~~  
6 ~~POLICE RECORDS, INCLUDING PHOTOGRAPHS AND FINGERPRINTS, RELATING~~  
7 ~~TO THE MATTER IF THE PERSON IS RELEASED:~~

8 ~~(1) WITHOUT THE FILING OF A DELINQUENCY PETITION OR~~  
9 ~~PEACE ORDER; OR~~

10 ~~(2) IN ACCORDANCE WITH AN INFORMAL ADJUSTMENT~~  
11 ~~PROCEDURE UNDER § 3-8A-10 OF THE COURTS ARTICLE.~~

12 ~~(B) WITHIN 60 DAYS AFTER RELEASE OF THE PERSON ENTITLED TO~~  
13 ~~EXPUNGEMENT OF A POLICE RECORD UNDER SUBSECTION (A) OF THIS SECTION,~~  
14 ~~THE LAW ENFORCEMENT UNIT SHALL:~~

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

17 ~~(2) SEND A NOTICE OF EXPUNGEMENT CONTAINING ALL~~  
18 ~~RELEVANT FACTS ABOUT THE EXPUNGEMENT AND UNDERLYING DETENTION OR~~  
19 ~~CONFINEMENT TO:~~

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

21 ~~(II) EACH BOOKING FACILITY OR LAW ENFORCEMENT UNIT~~  
22 ~~THAT THE LAW ENFORCEMENT UNIT BELIEVES MAY HAVE A POLICE RECORD~~  
23 ~~ABOUT THE DETENTION OR CONFINEMENT; AND~~

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

25 ~~(C) WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE, THE CENTRAL~~  
26 ~~REPOSITORY, A BOOKING FACILITY, AND ANY OTHER LAW ENFORCEMENT UNIT~~  
27 ~~SHALL:~~

28 ~~(1) SEARCH DILIGENTLY FOR AND EXPUNGE EACH POLICE~~  
29 ~~RECORD ABOUT THE DETENTION OR CONFINEMENT OF THE PERSON; AND~~

30 ~~(2) ADVISE IN WRITING THE PERSON ENTITLED TO~~  
31 ~~EXPUNGEMENT OF A POLICE RECORD THAT THE CENTRAL REPOSITORY,~~  
32 ~~BOOKING FACILITY, OR OTHER LAW ENFORCEMENT UNIT IS IN COMPLIANCE~~  
33 ~~WITH THE COURT'S ORDER TO EXPUNGE A POLICE RECORD.~~

1           ~~(D) (1) A POLICE RECORD EXPUNGED UNDER THIS SECTION MAY NOT~~  
2 ~~BE EXPUNGED BY OBLITERATION UNTIL 3 YEARS AFTER THE DATE OF~~  
3 ~~EXPUNGEMENT.~~

4           ~~(2) DURING THE 3-YEAR PERIOD DESCRIBED IN PARAGRAPH (1)~~  
5 ~~OF THIS SUBSECTION, THE RECORDS SHALL BE REMOVED TO A SEPARATE~~  
6 ~~SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON~~  
7 ~~FOR ACCESS ARE DENIED ACCESS.~~

8           ~~(3) FOR PURPOSES OF THIS SUBSECTION, A LEGITIMATE REASON~~  
9 ~~FOR ACCESSING THE RECORDS INCLUDES USING THE RECORDS FOR PURPOSES~~  
10 ~~OF PROCEEDINGS RELATING TO THE DETENTION OR CONFINEMENT.~~

11           ~~(E) IF A LAW ENFORCEMENT UNIT, A BOOKING FACILITY, OR THE~~  
12 ~~CENTRAL REPOSITORY FAILS TO EXPUNGE A POLICE RECORD AS REQUIRED~~  
13 ~~UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE PERSON ENTITLED TO~~  
14 ~~EXPUNGEMENT OF A POLICE RECORD MAY:~~

15           ~~(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL~~  
16 ~~REMEDY; AND~~

17           ~~(2) RECOVER COURT COSTS.~~

18           ~~(F) A PERSON WHO IS ENTITLED TO EXPUNGEMENT OF A POLICE~~  
19 ~~RECORD UNDER THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEES OR~~  
20 ~~COSTS IN CONNECTION WITH THE EXPUNGEMENT.~~

21 ~~10-105.~~

22           ~~(a) A person who has been charged with the commission of a crime, including~~  
23 ~~a violation of the Transportation Article for which a term of imprisonment may be~~  
24 ~~imposed, or who has been charged with a civil offense or infraction[, except a juvenile~~  
25 ~~offense,] as a substitute for a criminal charge OR A JUVENILE OFFENSE may file a~~  
26 ~~petition listing relevant facts for expungement of a police record, court record, or other~~  
27 ~~record maintained by the State or a political subdivision of the State if:~~

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

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

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

1           (4) ~~a nolle prosequi or nolle prosequi with the requirement of drug or~~  
2 ~~alcohol treatment is entered;~~

3           (5) ~~the court indefinitely postpones trial of a criminal charge by~~  
4 ~~marking the criminal charge "stet" or stet with the requirement of drug or alcohol~~  
5 ~~abuse treatment on the docket;~~

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

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

10           **~~(8) THE DECISION ON THE DELINQUENCY PETITION WAS THAT~~**  
11 **~~THERE WAS A FINDING OF FACTS NOT SUSTAINED;~~**

12           ~~[(8)] (9) the person:~~

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

15                   (ii) ~~is granted a full and unconditional pardon by the Governor;~~  
16 ~~or~~

17           ~~[(9)] (10) the person was convicted of a crime OR FOUND INVOLVED~~  
18 ~~IN A JUVENILE PROCEEDING under any State or local law that prohibits:~~

19                   (i) ~~urination or defecation in a public place;~~

20                   (ii) ~~panhandling or soliciting money;~~

21                   (iii) ~~drinking an alcoholic beverage in a public place;~~

22                   (iv) ~~obstructing the free passage of another in a public place or a~~  
23 ~~public conveyance;~~

24                   (v) ~~sleeping on or in park structures, such as benches or~~  
25 ~~doorways;~~

26                   (vi) ~~loitering;~~

27                   (vii) ~~vagrancy;~~

28                   (viii) ~~riding a transit vehicle without paying the applicable fare or~~  
29 ~~exhibiting proof of payment; or~~



1                   ~~(ix) except for carrying or possessing an explosive, acid,~~  
2 ~~concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the~~  
3 ~~Transportation Article, any of the acts specified in § 7-705 of the Transportation~~  
4 ~~Article.~~

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

7                   ~~(2) If the proceeding began in one court and was transferred to~~  
8 ~~another court, the person shall file the petition in the court to which the proceeding~~  
9 ~~was transferred.~~

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

13                   ~~(ii) The appellate court may remand the matter to the court of~~  
14 ~~original jurisdiction.~~

15           ~~(e) (1) Except as provided in paragraph (2) of this subsection, a petition~~  
16 ~~for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be~~  
17 ~~filed within 3 years after the disposition, unless the petitioner files with the petition a~~  
18 ~~written general waiver and release of all the petitioner's tort claims arising from the~~  
19 ~~charge.~~

20                   ~~(2) A petition for expungement based on a probation before judgment~~  
21 ~~or a stet with the requirement of drug or alcohol abuse treatment may not be filed~~  
22 ~~earlier than the later of:~~

23                   ~~(i) the date the petitioner was discharged from probation or the~~  
24 ~~requirements of obtaining drug or alcohol abuse treatment were completed; or~~

25                   ~~(ii) 3 years after the probation was granted or stet with the~~  
26 ~~requirement of drug or alcohol abuse treatment was entered on the docket.~~

27                   ~~(3) A petition for expungement based on a nolle prosequi with the~~  
28 ~~requirement of drug or alcohol treatment may not be filed until the completion of the~~  
29 ~~required treatment.~~

30                   ~~(4) A petition for expungement based on a full and unconditional~~  
31 ~~pardon by the Governor may not be filed later than 10 years after the pardon was~~  
32 ~~signed by the Governor.~~

33                   ~~(5) Except as provided in paragraph (2) of this subsection, a petition~~  
34 ~~for expungement based on a stet or a compromise under § 3-207 of the Criminal Law~~  
35 ~~Article may not be filed within 3 years after the stet or compromise.~~

1           ~~(6) A petition for expungement based on the conviction of a crime~~  
2 ~~under subsection [(a)(9)] (A)(10) of this section may not be filed within 3 years after~~  
3 ~~the conviction or satisfactory completion of the sentence, including probation, that was~~  
4 ~~imposed for the conviction, whichever is later.~~

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

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

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

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

14           ~~(2) If the court at the hearing finds that the person is entitled to~~  
15 ~~expungement, the court shall order the expungement of all police records and court~~  
16 ~~records about the charge.~~

17           ~~(3) If the court finds that the person is not entitled to expungement,~~  
18 ~~the court shall deny the petition.~~

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

20           ~~(i) the petition is based on the entry of probation before~~  
21 ~~judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of~~  
22 ~~drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse~~  
23 ~~treatment, a conviction for a crime specified in subsection [(a)(9)] (A)(10) of this~~  
24 ~~section, or the grant of a pardon by the Governor; and~~

25           ~~(ii) the person:~~

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

28                   ~~2. is a defendant in a pending criminal proceeding.~~

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

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

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

3 ~~10-106.~~

4           ~~(a) [In this section, “delinquency petition” means a petition filed under §~~  
5 ~~3-8A-10 of the Courts Article alleging that a child is a delinquent child.~~

6           ~~(b) A person [may file a petition for] IS ENTITLED TO expungement of a~~  
7 ~~criminal charge transferred to the juvenile court under § 4-202 of this article[:~~

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

9           ~~(2) after the decision on the delinquency petition of~~  
10 ~~facts not sustained].~~

11           ~~**(B) A PERSON WHO IS ENTITLED TO EXPUNGEMENT UNDER THIS**~~  
12 ~~**SECTION MAY NOT BE REQUIRED TO PAY ANY FEES OR COSTS IN CONNECTION**~~  
13 ~~**WITH THE EXPUNGEMENT.**~~

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

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

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

21           ~~(2) the decision on the delinquency petition was that there was a~~  
22 ~~finding of facts not sustained.]~~

23 ~~10-106.~~

24           (a) In this section, “delinquency petition” means a petition filed under  
25 § 3-8A-10 of the Courts Article alleging that a child is a delinquent child.

26           (b) A person may file, AND A COURT SHALL GRANT, a petition for  
27 expungement of a criminal charge transferred to the juvenile court under § 4-202 of  
28 this article[:

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

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

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

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

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

8                   (2)   the decision on the delinquency petition was that there was a  
9 finding of facts-not-sustained].

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.