

(3) A JUDGMENT OF PROBATION WITHOUT FINDING A VERDICT IS ENTERED, OR

(4) A NOLLE PROSEQUI IS ENTERED, OR

(5) THE PROCEEDING IS PLACED ON THE STET DOCKET,

HE MAY FILE A PETITION SETTING FORTH THE RELEVANT FACTS AND REQUESTING EXPUNGEMENT OF BOTH THE POLICE RECORDS AND THE COURT RECORDS PERTAINING TO THE CHARGE.

(B) THE PETITION SHALL BE FILED IN THE COURT IN WHICH THE PROCEEDING WAS COMMENCED. IF THE PROCEEDING WAS COMMENCED IN ONE COURT AND TRANSFERRED TO ANOTHER COURT, THE PETITION SHALL BE FILED IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED. IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PETITION SHALL BE FILED IN THE APPELLATE COURT. HOWEVER, THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.

(C) [[(1) IN THE CASE OF A PROCEEDING PLACED ON THE STET DOCKET, OR WHEN A NOLLE PROSEQUI IS ENTERED, OR WHEN A JUDGMENT OF PROBATION WITHOUT FINDING A VERDICT IS ENTERED,]] THE PETITION MAY NOT BE FILED EARLIER THAN THREE YEARS NOR LATER THAN EIGHT YEARS AFTER THE DATE THE JUDGMENT OR ORDER WAS ENTERED OR THE ACTION WAS TAKEN WHICH TERMINATED THE PROCEEDING. HOWEVER, THE THREE YEAR WAITING PERIOD DOES NOT APPLY TO A CHARGE SPECIFIED IN SUBSECTION (A) (1) OR (A) (2) IF A PERSON FILES, WITH THE PETITION, A WRITTEN GENERAL WAIVER AND RELEASE, IN PROPER LEGAL FORM, OF ALL CLAIM HE MAY HAVE AGAINST ANY PERSON FOR TORTIOUS CONDUCT ARISING FROM THE CHARGE.

[[(2) IN THE CASE OF AN ACQUITTAL, OR WHEN THE CHARGE IS DISMISSED OR QUASHED, THE PETITION MAY BE FILED IMMEDIATELY. HOWEVER, THE COURT MAY NOT ENTER AN ORDER REQUIRING THE EXPUNGEMENT OF POLICE RECORDS OR COURT RECORDS IN THESE CASES UNLESS THE PERSON FILES WITH THE PETITION A WRITTEN GENERAL WAIVER AND RELEASE, IN PROPER LEGAL FORM, OF ALL PROSPECTIVE CLAIMS HE MAY HAVE AGAINST ANY PERSON FOR TORTIOUS CONDUCT ARISING FROM THE CHARGE. FURTHERMORE, THE COURT MAY ENTER AN ORDER REQUIRING THE EXPUNGEMENT OF THESE RECORDS ONLY IF ALL PRIOR CIVIL CLAIMS HAVE BEEN FINALLY ADJUDICATED.]]

(D) A COPY OF THE PETITION SHALL BE SERVED ON THE STATE'S ATTORNEY. UNLESS THE STATE'S ATTORNEY FILES AN OBJECTION TO THE PETITION WITHIN 30 DAYS AFTER IT IS SERVED ON HIM, THE COURT SHALL ENTER AN ORDER REQUIRING THE EXPUNGEMENT OF POLICE RECORDS AND COURT RECORDS PERTAINING TO THE CHARGE.