

SHERIFF'S OFFICES, THE STATE'S ATTORNEY'S OFFICES, AND THE ATTORNEY GENERAL'S OFFICE.

(E) "POLICE RECORDS" MEANS ALL OFFICIAL RECORDS MAINTAINED BY A LAW ENFORCEMENT AGENCY PERTAINING TO THE ARREST AND DETENTION OF OR FURTHER PROCEEDING AGAINST A PERSON ON A CRIMINAL CHARGE OR FOR A SUSPECTED VIOLATION OF A CRIMINAL LAW. IT DOES NOT INCLUDE INVESTIGATORY FILES, POLICE WORK-PRODUCT RECORDS USED SOLELY FOR POLICE INVESTIGATION PURPOSES, OR RECORDS PERTAINING TO VIOLATIONS OF THE VEHICLE LAWS OF THE STATE OR OF ANY OTHER TRAFFIC LAW, ORDINANCE, OR REGULATION.

736. EXPUNGEMENT OF POLICE RECORDS; RELEASE WITHOUT CHARGE.

(A) IF A PERSON IS ARRESTED, DETAINED, OR CONFINED BY A LAW ENFORCEMENT AGENCY FOR A SUSPECTED VIOLATION OF A CRIMINAL LAW OTHER THAN A VIOLATION OF THE VEHICLE LAWS OF THE STATE OR ANY OTHER TRAFFIC LAW, ORDINANCE, OR REGULATION, AND IS RELEASED WITHOUT BEING CHARGED WITH THE COMMISSION OF A CRIME, HE MAY GIVE WRITTEN NOTICE OF THESE FACTS TO ANY LAW ENFORCEMENT AGENCY WHICH HE BELIEVES MAY HAVE POLICE RECORDS CONCERNING THAT ARREST, DETENTION, OR CONFINEMENT, AND REQUEST THE EXPUNGEMENT OF THOSE POLICE RECORDS.

(B) THIS NOTICE MAY NOT BE GIVEN PRIOR TO THE EXPIRATION OF THE STATUTE OF LIMITATIONS FOR TORT ACTIONS ARISING FROM THE INCIDENT UNLESS THE PERSON ATTACHES TO THE NOTICE A WRITTEN GENERAL WAIVER AND RELEASE, IN PROPER LEGAL FORM, OF ALL [[CLAIM]] [[PROSPECTIVE CLAIMS]] CLAIM HE MAY HAVE AGAINST ANY PERSON FOR TORTIOUS CONDUCT ARISING FROM THE INCIDENT. [[FURTHERMORE, THE LAW ENFORCEMENT AGENCY MAY EXPUNGE POLICE RECORDS IT HAS CONCERNING THE ARREST, DETENTION, OR CONFINEMENT OF THE PERSON ONLY IF ALL PRIOR CIVIL CLAIMS HAVE BEEN FINALLY ADJUDICATED.]] THE NOTICE AND WAIVER ARE NOT SUBJECT TO EXPUNGEMENT, BUT SHALL BE MAINTAINED BY THE LAW ENFORCEMENT AGENCY AT LEAST UNTIL THE EXPIRATION OF ANY APPLICABLE STATUTE OF LIMITATIONS. THE NOTICE MUST BE GIVEN WITHIN EIGHT YEARS AFTER THE DATE OF THE INCIDENT.

(C) THE LAW ENFORCEMENT AGENCY SHALL, UPON RECEIPT OF A TIMELY FILED NOTICE, PROMPTLY INVESTIGATE AND ATTEMPT TO VERIFY THE FACTS STATED IN THE NOTICE. IF IT FINDS THE FACTS TO BE VERIFIED, IT SHALL,

(1) MAKE A DILIGENT SEARCH FOR ANY POLICE RECORDS CONCERNING THAT ARREST, DETENTION, OR CONFINEMENT OF THE PERSON;

(2) WITHIN 60 DAYS AFTER RECEIPT OF THE