

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.

(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.

(e) If the State's attorney files a timely objection to the petition, the court shall conduct a hearing. If the court finds that the person is entitled to expungement, it shall enter an order requiring the expungement of police records and all court records pertaining to the charge. Otherwise, it shall deny the petition. If the petition is based upon the entry of a judgment of probation without finding a verdict, [[or]] PROBATION ON STAY OF ENTRY OF JUDGMENT, a nolle prosequi, or placement on the stet docket, the person is not entitled to expungement if:

(1) He has since been convicted of any crime, other than violations of the State vehicle laws or other traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment, or

(2) He is then a defendant in a pending criminal proceeding.

(f) The State's attorney is a party to the proceeding. Any party aggrieved by the decision of the court has the right of appellate review provided in the Courts and Judicial Proceedings Article.

(g) Every custodian of the police records and court records subject to the order shall, within 30 days after entry of the order, unless it is stayed pending an appeal, advise the court and the person in writing of compliance with the order.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved May 17, 1976.

CHAPTER 864

(House Bill 2084)

AN ACT concerning