

- (1) Is acquitted, or
- (2) The charge is otherwise dismissed or quashed, or
- (3) A judgment of probation without finding a verdict or probation on stay of entry of judgment is entered, or
- (4) A nolle prosequi is entered, or
- (5) The proceeding is placed on the stet docket, or
- (6) THE CASE IS COMPROMISED PURSUANT TO ARTICLE 10, § 37 OF THIS CODE,

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) 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, except for an acquittal on grounds of insanity, 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.

(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