

Expungement of Records

FOR the purpose of providing for the expungement of any records of a complaint against a law enforcement officer when an administrative hearing board acquits, dismisses, or finds the officer not guilty of the charges and a certain length of time has passed since the findings of the law enforcement agency or administrative hearing board.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 728(b)(12)(ii)
Annotated Code of Maryland
(1982 Replacement Volume and 1984 Supplement)

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

Article 27 - Crimes and Punishments

728.

(b) Whenever a law-enforcement officer is under investigation or subjected to interrogation by a law-enforcement agency, for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted under the following conditions:

(12) (ii) A law enforcement officer, upon written request, may have any record of a formal complaint made against him expunged from any file if:

1. The law enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were unsustainable or unfounded, OR AN ADMINISTRATIVE HEARING BOARD ACQUITS, DISMISSES, OR MAKES A FINDING OF NOT GUILTY; and

2. 3 years have passed since the findings by the law enforcement agency OR ADMINISTRATIVE HEARING BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

Approved May 21, 1985.
