

expungement of the police records, court records, and other records maintained by the State of Maryland and its subdivisions, pertaining to the charge.

(c) (1) With the exception of a petition based on subsection (a)(7) of this section OR A PETITION FILED UNDER PARAGRAPH (2) OF THIS SUBSECTION, the petition may not be filed earlier than 3 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 claims he may have against any person for tortious conduct arising from the charge. With respect to subsection (a)(7) OF THIS SECTION, the petition may not be filed earlier than 5 years nor later than 10 years after the pardon was signed by the Governor.

(2) THE COURT MAY GRANT A PETITION FOR EXPUNGEMENT AT ANY TIME UPON A SHOWING OF GOOD CAUSE BY THE PETITIONER.

(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, probation on stay of entry of judgment, a nolle prosequi, [or] placement on the stet docket, or a full and unconditional pardon by the Governor, 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.

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