

(B) (1) A COURT SHALL GRANT A PETITION UNDER SUBSECTION (A)(8) OF THIS SECTION IF:

(I) THE CHARGE TRANSFERRED UNDER ARTICLE 27, § 594A OF THE CODE DID NOT RESULT IN THE FILING OF A PETITION UNDER § 3-810 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE; OR

(II) THE CHARGE DID RESULT IN THE FILING OF A PETITION UNDER § 3-810 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE BUT THE DECISION ON THE PETITION WAS A FINDING OF FACTS-NOT-SUSTAINED.

(2) IF A CHARGE TRANSFERRED UNDER ARTICLE 27, § 594A OF THE CODE RESULTED IN THE FILING OF A PETITION UNDER § 3-810 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE AND THE ADJUDICATION OF THE CHILD AS DELINQUENT, THE COURT MAY GRANT A PETITION OF EXPUNGEMENT UNDER SUBSECTION (A)(8) OF THIS SECTION ON OR AFTER THE 18TH BIRTHDAY OF THE PETITIONER.

[(b)] (C) 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)] (D) (1) With the exception of a petition based on subsection (a)(3) [or subsection (a)(4) or (a)(7)], (4), (7), OR (8) 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 circumstance specified in subsection (a)(1) or subsection (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)(3) of this section, the petition may not be filed earlier than the later of: (1) 3 years after the date of the judgment or order of probation; or (2) the date of the person's discharge from probation. With respect to subsection (a)(4), the petition may be filed immediately after the nolle prosequi is entered. 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.