

subsection rather than as part of a definition to avoid the illogical assertion that police records and court records "do not include" materials (e.g., investigatory files and police work-product records) that by their everyday meanings are police records and court records.

Defined terms: "Court record" § 10-101

"Expunge" § 10-101

"Expungement" § 10-101

"Minor traffic violation" § 10-101

"Person" § 1-101

"Police record" § 10-101

10-103. EXPUNGEMENT OF POLICE RECORD WHEN NO CHARGE IS FILED.

(A) NOTICE AND REQUEST FOR EXPUNGEMENT.

A PERSON WHO IS ARRESTED, DETAINED, OR CONFINED BY A LAW ENFORCEMENT UNIT FOR THE SUSPECTED COMMISSION OF A CRIME AND THEN IS RELEASED WITHOUT BEING CHARGED WITH THE COMMISSION OF A CRIME MAY:

(1) GIVE WRITTEN NOTICE OF THESE FACTS TO A LAW ENFORCEMENT UNIT THAT THE PERSON BELIEVES MAY HAVE A POLICE RECORD ABOUT THE MATTER; AND

(2) REQUEST THE EXPUNGEMENT OF THE POLICE RECORD.

(B) GENERAL WAIVER AND RELEASE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT GIVE NOTICE UNDER THIS SUBTITLE BEFORE THE STATUTE OF LIMITATIONS EXPIRES FOR ALL TORT CLAIMS THAT ARISE FROM THE INCIDENT.

(2) (I) A PERSON MAY GIVE NOTICE BEFORE THE STATUTE OF LIMITATIONS EXPIRES IF THE PERSON ATTACHES TO THE NOTICE A WRITTEN GENERAL WAIVER AND RELEASE, IN LEGAL FORM, OF ALL TORT CLAIMS THAT THE PERSON HAS ARISING FROM THE INCIDENT.

(II) THE NOTICE AND WAIVER ARE NOT SUBJECT TO EXPUNGEMENT.

(3) THE LAW ENFORCEMENT UNIT SHALL KEEP THE NOTICE AND WAIVER AT LEAST UNTIL ANY APPLICABLE STATUTE OF LIMITATIONS EXPIRES.

(4) THE PERSON SHALL GIVE THE NOTICE WITHIN 8 YEARS AFTER THE DATE OF THE INCIDENT.

(C) INVESTIGATION.

(1) ON RECEIPT OF A TIMELY FILED NOTICE, THE LAW ENFORCEMENT UNIT PROMPTLY SHALL INVESTIGATE AND TRY TO VERIFY THE FACTS STATED IN THE NOTICE.