

(3) IF THE COURT FINDS THAT THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL ORDER THE LAW ENFORCEMENT UNIT TO EXPUNGE THE POLICE RECORD.

(4) IF THE COURT FINDS THAT THE PERSON IS NOT ENTITLED TO EXPUNGEMENT OF THE POLICE RECORD, THE COURT SHALL DENY THE APPLICATION.

(5) (I) THE LAW ENFORCEMENT UNIT IS A PARTY TO THE PROCEEDING.

(II) EACH PARTY TO THE PROCEEDING IS ENTITLED TO APPELLATE REVIEW ON THE RECORD, AS PROVIDED IN THE COURTS ARTICLE FOR APPEALS IN CIVIL CASES FROM THE DISTRICT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 736.

Throughout this section, the defined term "person" is substituted for the former word "individual" to conform to the terminology used throughout this article.

In subsection (a) of this section, the former reference to a violation of a criminal law "other than a nonincarcerable violation of the vehicle laws of the State or any other traffic law, ordinance, or regulation" is deleted as unnecessary in light of § 10-102(c) of this subtitle, which states that those items are not covered by this subtitle.

In subsections (b)(2) and (f)(2) of this section, the former references to "proper" legal form and "proper" notice are deleted as unnecessary.

Defined terms: "Central Repository" § 10-101

"Expunge" § 10-101

"Expungement" § 10-101

"Law enforcement unit" § 10-101

"Person" § 1-101

"Police record" § 10-101

10-104. EXPUNGEMENT ON NOLLE PROSEQUI BEFORE SERVICE.

(A) IN GENERAL.

UNLESS THE STATE OBJECTS AND SHOWS CAUSE WHY A RECORD SHOULD NOT BE EXPUNGED, IF THE STATE ENTERS A NOLLE PROSEQUI AS TO ALL CHARGES IN A CRIMINAL CASE WITHIN THE JURISDICTION OF THE DISTRICT COURT WITH WHICH A DEFENDANT HAS NOT BEEN SERVED, THE DISTRICT COURT MAY ORDER EXPUNGEMENT OF EACH COURT RECORD, POLICE RECORD, OR OTHER RECORD THAT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE KEEPS AS TO THE CHARGES.

(B) COSTS.

THE DISTRICT COURT MAY NOT ASSESS ANY COSTS AGAINST A DEFENDANT FOR A PROCEEDING UNDER SUBSECTION (A) OF THIS SECTION.