

REVISOR'S NOTE: This section formerly was Art. 27, § 736A.

In subsection (a) of this section, references to "each" court record and "other" record are substituted for the former references to "any" court record and "any" other record, for clarity.

No other changes are made.

Defined terms: "Court record" § 10-101

"Expunge" § 10-101

"Expungement" § 10-101

"Nolle prosequi" § 1-101

"Police record" § 10-101

10-105. EXPUNGEMENT OF RECORD AFTER CHARGE IS FILED.

(A) PETITION FOR EXPUNGEMENT.

A PERSON WHO HAS BEEN CHARGED WITH THE COMMISSION OF A CRIME, INCLUDING A VIOLATION OF THE TRANSPORTATION ARTICLE FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED, MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF:

- (1) THE PERSON IS ACQUITTED;
- (2) THE CHARGE IS OTHERWISE DISMISSED;
- (3) A PROBATION BEFORE JUDGMENT IS ENTERED, UNLESS THE PERSON IS CHARGED WITH A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE;
- (4) A NOLLE PROSEQUI IS ENTERED;
- (5) THE COURT INDEFINITELY POSTPONES TRIAL OF A CRIMINAL CHARGE BY MARKING THE CRIMINAL CHARGE "STET" ON THE DOCKET;
- (6) THE CASE IS COMPROMISED UNDER ARTICLE 27, § 12A-5 OF THE CODE;
- (7) THE CHARGE WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OF THIS ARTICLE; OR
- (8) THE PERSON:
 - (I) IS CONVICTED OF ONLY ONE CRIMINAL ACT, AND THAT ACT IS NOT A CRIME OF VIOLENCE; AND
 - (II) IS GRANTED A PARDON BY THE GOVERNOR.

(B) WHERE PETITION FILED.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION IN THE COURT IN WHICH THE PROCEEDING BEGAN.