

(2) IF THE COURT AT THE HEARING FINDS THAT THE PERSON IS ENTITLED TO EXPUNGEMENT, THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.

(3) IF THE COURT FINDS THAT THE PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

(4) THE PERSON IS NOT ENTITLED TO EXPUNGEMENT IF:

(I) THE PETITION IS BASED ON THE ENTRY OF PROBATION BEFORE JUDGMENT, A NOLLE PROSEQUI, OR A STET, OR THE GRANT OF A PARDON BY THE GOVERNOR; AND

(II) THE PERSON:

1. SINCE THE PARDON OR ENTRY, HAS BEEN CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC VIOLATION; OR

2. IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.

(F) NOTICE OF COMPLIANCE.

UNLESS AN ORDER IS STAYED PENDING AN APPEAL, WITHIN 60 DAYS AFTER ENTRY OF THE ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.

(G) APPELLATE REVIEW.

(1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.

(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 737(a) and (c) through (l).

In the introductory language of subsection (a) of this section, the former reference to records "pertaining to the charge" is deleted as unnecessary in light of the reference to "relevant facts".

In subsections (a)(2) and (c)(1) of this section, the former references to a charge that is "quashed" and to a "quashing" of a charge are deleted as obsolete and unnecessary in light of the references to "dismissed" and "dismissal".

In subsections (a)(3) and (e)(4)(i) of this section, the phrase "probation before judgment" is substituted for the former phrase "judgment of probation before judgment" for brevity.

In subsection (a)(6) of this section, the cross-reference to "Article 27, § 12A-5 of the Code" is substituted for the former cross-reference to "§ 766 of this article" for accuracy.