

(2) IN AN EX PARTE ORDER, THE COURT MAY NOT ALLOW A COPY OF THE EXPUNGED RECORD TO BE MADE.

(D) PENALTIES.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, AN OFFICIAL OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE WHO IS CONVICTED UNDER THIS SECTION MAY BE REMOVED OR DISMISSED FROM PUBLIC SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 739.

In subsection (a) of this section, the former reference to a person "having or acquiring access to an expunged record" is deleted as implicit.

In subsection (d)(2) of this section, the former reference to removal or dismissal from public service "on grounds of misconduct in office" is deleted as unnecessary.

Defined terms: "Expunge" § 10-101

"Law enforcement unit" § 10-101

"Person" § 1-101

10-109. PROHIBITED ACTS.

(A) APPLICATIONS FOR EMPLOYMENT OR ADMISSION.

(1) DISCLOSURE OF EXPUNGED INFORMATION ABOUT CRIMINAL CHARGES IN AN APPLICATION, INTERVIEW, OR OTHER MEANS MAY NOT BE REQUIRED:

(I) BY AN EMPLOYER OR EDUCATIONAL INSTITUTION OF A PERSON WHO APPLIES FOR EMPLOYMENT OR ADMISSION; OR

(II) BY A UNIT, OFFICIAL, OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OF A PERSON WHO APPLIES FOR A LICENSE, PERMIT, REGISTRATION, OR GOVERNMENTAL SERVICE.

(2) A PERSON NEED NOT REFER TO OR GIVE INFORMATION CONCERNING AN EXPUNGED CHARGE WHEN ANSWERING A QUESTION CONCERNING:

(I) A CRIMINAL CHARGE THAT DID NOT RESULT IN A CONVICTION;
OR

(II) A CONVICTION THAT THE GOVERNOR PARDONED.