

A PERSON AGGRIEVED BY A DECISION OF A CRIMINAL JUSTICE UNIT CONCERNING THE INSPECTION OF OR A CHALLENGE TO CRIMINAL HISTORY RECORD INFORMATION UNDER THIS SUBTITLE MAY FILE AN ADMINISTRATIVE APPEAL OF THE DECISION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY AND RULES ADOPTED BY THE COURT OF APPEALS UNDER SUBSECTION (B) OF THIS SECTION.

(B) ADOPTION OF RULES AND REGULATIONS.

THE SECRETARY BY REGULATION AND THE COURT OF APPEALS BY RULE SHALL ADOPT APPROPRIATE PROCEDURES FOR ADMINISTRATIVE APPEALS FROM A DECISION BY A CRIMINAL JUSTICE UNIT TO DENY A PERSON THE RIGHT TO INSPECT OR CHALLENGE CRIMINAL HISTORY RECORD INFORMATION.

(C) CONTENTS.

THE RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE PROVISIONS FOR:

- (1) THE FORMS, WAY, AND TIME FOR FILING AN APPEAL;
- (2) THE OFFICIAL OR PANEL THAT WILL HEAR THE APPEAL;
- (3) HEARING AND MAKING A DECISION ON THE APPEAL; AND
- (4) CARRYING OUT THE DECISION ON THE APPEAL.

(D) JUDICIAL REVIEW.

A PERSON, THE CENTRAL REPOSITORY, OR A CRIMINAL JUSTICE UNIT THAT IS AGGRIEVED BY A DECISION ON AN ADMINISTRATIVE APPEAL MAY SEEK JUDICIAL REVIEW OF THE DECISION IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES) AND THE MARYLAND RULES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 753.

This section is revised to distinguish between regulations and rules. The Secretary is head of a unit in the Executive Branch of State government, *i.e.*, Department of Public Safety and Correctional Services, and may adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article (Administrative Procedure Act - Regulations). The Court of Appeals, however, is a unit in the Judicial Branch of State government and, therefore, is not subject to Title 10, Subtitle 1 of the State Government Article (Administrative Procedure Act - Regulations). Instead, the Court of Appeals may adopt rules under Md. Constitution, Art. IV, § 18.

In subsection (b) of this section, the term "person" is added for clarity and consistency with other provisions of this subtitle.

In subsection (c) of this section, the reference to "regulations" is added for