

- Defined terms: "Chief" § 3-101
- "Hearing" § 3-101
- "Hearing board" § 3-101
- "Law enforcement officer" § 3-101

3-109. JUDICIAL REVIEW.

(A) BY CIRCUIT COURT.

AN APPEAL FROM A DECISION MADE UNDER § 3-108 OF THIS SUBTITLE SHALL BE TAKEN TO THE CIRCUIT COURT FOR THE COUNTY IN ACCORDANCE WITH MARYLAND RULE 7-202.

(B) BY COURT OF SPECIAL APPEALS.

A PARTY AGGRIEVED BY A DECISION OF A COURT UNDER THIS SUBTITLE MAY APPEAL TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 732.

Defined term: "County" § 1-101

3-110. EXPUNGEMENT OF RECORD OF FORMAL COMPLAINT.

ON WRITTEN REQUEST, A LAW ENFORCEMENT OFFICER MAY HAVE EXPUNGED FROM ANY FILE THE RECORD OF A FORMAL COMPLAINT MADE AGAINST THE LAW ENFORCEMENT OFFICER IF:

(1) (I) THE LAW ENFORCEMENT AGENCY THAT INVESTIGATED THE COMPLAINT:

1. EXONERATED THE LAW ENFORCEMENT OFFICER OF ALL CHARGES IN THE COMPLAINT; OR

2. DETERMINED THAT THE CHARGES WERE UNSUSTAINED OR UNFOUNDED; OR

(II) A HEARING BOARD ACQUITTED THE LAW ENFORCEMENT OFFICER, DISMISSED THE ACTION, OR MADE A FINDING OF NOT GUILTY; AND

(2) AT LEAST 3 YEARS HAVE PASSED SINCE THE FINAL DISPOSITION BY THE LAW ENFORCEMENT AGENCY OR HEARING BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 728(b)(12)(ii).

In item (2) of this section, the reference to the "final disposition" by the law enforcement agency or hearing board is substituted for the former reference to "findings" for clarity because the law enforcement agency or hearing board do more than make "findings" in this situation.

Defined terms: "Hearing board" § 3-101
"Law enforcement officer" § 3-101