

737.

(a) A person 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 setting forth the relevant facts and requesting expungement of the police records, court records, and other records maintained by the State of Maryland and its subdivisions, pertaining to the charge if:

- (1) The person is acquitted;
- (2) The charge is otherwise dismissed or quashed;
- (3) A EXCEPT IF CHARGED WITH A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE, A judgment of probation before judgment is entered;
- (4) A nolle prosequi is entered;
- (5) The proceeding is placed on the stet docket;
- (6) The case is compromised pursuant to Article 27, § 766 of this Code;
- (7) The person is convicted of only one criminal act, which is not a crime of violence, and is subsequently granted a full and unconditional pardon by the Governor; or
- (8) The charge was transferred to juvenile court jurisdiction under § 594A of this article.

738.

(b) If a person is charged with a violation of any provision of the Maryland Vehicle Law FOR WHICH A TERM OF IMPRISONMENT MAY NOT BE IMPOSED or any other traffic law, ordinance, or regulation:

- (1) The violation may not be considered as part of a unit under subsection (a) of this section; and
- (2) The disposition entered on the violation may not preclude expungement of any criminal charge, INCLUDING A VIOLATION OF THE MARYLAND VEHICLE LAW FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED, that arises from the same incident, transaction, or set of facts if the person is otherwise entitled to an expungement of the charge.

SECTION 2. AND BE IT FURTHER ENACTED, That an expungement under this Act of a criminal record relating to a violation of the Transportation Article for which a term of imprisonment may be imposed may not be construed to require the Motor Vehicle Administration to expunge a driving record.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 12, 1998.