

(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, INCLUDING A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional 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) 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) (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.

Article - Health - General

8-505.

(a) (1) Before or during a criminal trial or ~~prior to~~ BEFORE sentencing, the court may order the Department, ~~THROUGH ITS LOCAL DESIGNEE~~, to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

(i) It appears to the court that the defendant has an alcohol or drug abuse problem; or

(ii) The defendant alleges an alcohol or drug dependency.

(2) ~~The~~ A court shall set and may change the conditions under which ~~the~~ AN examination is to be conducted UNDER THIS SECTION.

(3) ~~AN EVALUATION UNDER THIS SECTION SHALL BE CONDUCTED BY THE LOCAL DESIGNEE OF THE DEPARTMENT~~ THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(b) Except in a capital case, on consideration of the nature of the charge, the court:

(1) May require or permit an examination to be conducted on an outpatient basis; and