

HOUSE BILL 624

E2

2lr2077

By: **Delegates Simmons, Anderson, and Stukes**

Introduced and read first time: February 6, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Notice of Eligibility for Expungement**

3 FOR the purpose of requiring the court, in a criminal case, to provide the defendant
4 with a brochure containing certain information relating to expungement when
5 all of the charges against the defendant are disposed of in a certain manner;
6 providing for the effective date of certain provisions of this Act; providing for the
7 termination of certain provisions of this Act; and generally relating to
8 expungement.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 6–232
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 6–232
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)
19 (As enacted by Chapter 337 of the Acts of the General Assembly of 2008)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Criminal Procedure**

2 6–232.

3 (a) In a criminal case, when all of the charges against the defendant are
4 disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet,
5 the court shall:

6 (1) advise the defendant that the defendant may be entitled to
7 expunge the records and any DNA sample and DNA record relating to the charge or
8 charges against the defendant in accordance with Title 10, Subtitle 1 of this article
9 and Title 2, Subtitle 5 of the Public Safety Article; AND

10 (2) **PROVIDE THE DEFENDANT WITH A BROCHURE CONTAINING**
11 **DETAILED, COMPREHENSIVE, AND CURRENT INFORMATION ABOUT THE LAW OF**
12 **EXPUNGEMENT IN MARYLAND.**

13 (b) The failure of a court to comply with subsection (a) of this section does
14 not affect the legality or efficacy of the sentence or disposition of the case.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article – Criminal Procedure**

18 6–232.

19 (a) In a criminal case, when all of the charges against the defendant are
20 disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet,
21 the court shall:

22 (1) advise the defendant that the defendant may be entitled to
23 expunge the records relating to the charge or charges against the defendant in
24 accordance with Title 10, Subtitle 1 of this article; AND

25 (2) **PROVIDE THE DEFENDANT WITH A BROCHURE CONTAINING**
26 **DETAILED, COMPREHENSIVE, AND CURRENT INFORMATION ABOUT THE LAW OF**
27 **EXPUNGEMENT IN MARYLAND.**

28 (b) The failure of a court to comply with subsection (a) of this section does
29 not affect the legality or efficacy of the sentence or disposition of the case.

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
31 take effect on the taking effect of the termination provision specified in Section 4 of
32 Chapter 337 of the Acts of the General Assembly of 2008. If that termination
33 provision takes effect, Section 1 of this Act shall be abrogated and of no further force

1 and effect. This Act may not be interpreted to have any effect on that termination
2 provision.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
4 of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.