

HOUSE BILL 878

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11r2480

By: **Delegates Stukes, Conaway, Haynes, Howard, A. Miller, B. Robinson, and Rosenberg**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Explanation of Expungement Provisions Relating to**
3 **Proposed Disposition of Charge**

4 FOR the purpose of altering a certain provision of law relating to the expungement of
5 criminal records so as to require a court, before disposing of a charge against a
6 defendant, to provide a detailed explanation to the defendant of certain
7 expungement provisions; requiring a court, after providing a certain
8 explanation, to give a certain defendant the opportunity to reject a certain
9 disposition; and generally relating to expungement.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 6–232
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

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

17 **Article – Criminal Procedure**

18 6–232.

19 (a) **(1)** In a criminal case, [when all of the charges against the defendant
20 are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or
21 stet,] **BEFORE A CHARGE AGAINST THE DEFENDANT IS DISPOSED OF**, the court
22 shall [advise the defendant that the defendant may be entitled to expunge the records
23 and any DNA sample and DNA record relating to the charge or charges against the
24 defendant in accordance with] **PROVIDE A DETAILED EXPLANATION TO THE**
25 **DEFENDANT OF THE EXPUNGEMENT PROVISIONS CONTAINED IN** Title 10, Subtitle

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1 of this article and Title 2, Subtitle 5 of the Public Safety Article **RELATING TO THE**
2 **PROPOSED DISPOSITION OF THE CHARGE.**

3 **(2) AFTER PROVIDING THE EXPLANATION REQUIRED UNDER**
4 **PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL GIVE THE DEFENDANT**
5 **THE OPPORTUNITY TO REJECT A DISPOSITION OF PROBATION BEFORE**
6 **JUDGMENT, NOLLE PROSEQUI, PLEA OF GUILTY, OR STET.**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.