

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 242
Criminal Procedure – Motion to Vacate Judgment – Human
Trafficking (True Freedom Act of 2020)
DATE: January 22, 2020
(1/28)
POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 242 as drafted. This bill amends § 8-302 of the Criminal Procedure Article to expand and clarify the circumstances in which a conviction can be vacated. The bill also amends the statute to state that if a court grants a motion filed under this section, the court shall vacate the conviction.

The Judiciary has no position on the intent of the bill but is opposed to the provision that would change “may vacate” to “shall vacate.” The Judiciary traditionally opposes mandatory provisions, as it is important for judges to have discretion to weigh the individual facts and circumstances of a particular case.

cc. Hon. Vanessa Atterbeary
Judicial Council
Legislative Committee
Kelley O’Connor