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Judicial Proceedings Committee

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

**Senate Bill 767- FAVORABLE-** Criminal Procedure - Human Trafficking - Vacatur and  
Expungement

Senate bill 767 contains technical fixes to the “True Freedom Act of 2020” which resides in Maryland code under Criminal Procedure § 8-302, human trafficking vacatur and expungement. The practitioners who use this vacatur process requested this tweak to our current law as a follow up to issues they have encountered utilizing this statute in their practice.

The bill first reduces the notice to prosecutors from 60 to 30 days. The current 60 days serves only to delay the vacatur process unnecessarily as the advocates for survivors work in collaboration with the State’s Attorney’s and report that 30 days allows ample time for motion review. The court is also granted plenty of time to notify any victims in the 30 day period.

SB 767 also adds color to section § 8-302 (g) (1) with language to clarify the court procedure after granting a motion to vacate. There is additional guidance that the court is to dismiss any underlying charges related to the relevant commission of the crime, as well as notify the moving party that they may file for expungement of the vacated conviction.

We ensure that the survivor’s records and identity are kept from the public eye. The bill adds the sealing of all pleadings and records associated with the trafficking-related crime. Also added, hearings on motions are also to be kept closed to the public.

Finally, this legislation provides that a trafficking survivor may waive the right to be present at hearings on motions if the absence is agreed to by the survivor or counsel or is voluntary.

These technical fixes allow for a hastened and clarified vacatur process for those who this committee has recognized so deserving. For these reasons, I respectfully urge your favorable report on Senate Bill 767.