

# HOUSE BILL 1313

E2  
HB 601/14 – JUD

9lr2978

---

By: **Delegate Conaway**

Introduced and read first time: February 15, 2019

Assigned to: Rules and Executive Nominations

---

## 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 to require a court, before disposing of a charge against a defendant,  
6 to provide a detailed explanation to the defendant of certain expungement  
7 provisions; requiring the court, after providing the explanation required by this Act,  
8 to give the defendant the opportunity to reject a certain disposition; and generally  
9 relating to expungement.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Procedure  
12 Section 6–232  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 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 are  
20 disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet,]  
21 **BEFORE A CHARGE AGAINST THE DEFENDANT IS DISPOSED OF**, the court shall [advise  
22 the defendant that the defendant may be entitled to expunge the records and any DNA  
23 sample and DNA record relating to the charge or charges against the defendant in  
24 accordance with] **PROVIDE A DETAILED EXPLANATION TO THE DEFENDANT OF THE**  
25 **EXPUNGEMENT PROVISIONS CONTAINED IN** Title 10, Subtitle 1 of this article and Title

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2, Subtitle 5 of the Public Safety Article **RELATING TO THE PROPOSED DISPOSITION OF**  
2 **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 JUDGMENT,**  
6 **NOLLE PROSEQUI, PLEA OF GUILTY, OR STET.**

7 (b) The failure of a court to comply with subsection (a) of this section does not  
8 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, 2019.