

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 206  
Criminal Procedure – Motion to Vacate Judgment – Human  
Trafficking (True Freedom Act of 2020)  
**DATE:** January 22, 2020  
(1/29)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes Senate Bill 206 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. Susan Lee  
Judicial Council  
Legislative Committee  
Kelley O’Connor