

HOUSE BILL 1247

E2

0lr2762

By: **Delegate Conaway**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Expungement – Explanation of Unit Rule**

3 FOR the purpose of requiring a certain attorney to provide a certain explanation to a certain
4 defendant regarding a certain provision of law relating to expungement under
5 certain circumstances at a certain time; and generally relating to expungement.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 10–107
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2019 Supplement)

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

13 **Article – Criminal Procedure**

14 10–107.

15 (a) (1) In this subtitle, if two or more charges, other than one for a minor traffic
16 violation, arise from the same incident, transaction, or set of facts, they are considered to
17 be a unit.

18 (2) A charge for a minor traffic violation that arises from the same incident,
19 transaction, or set of facts as a charge in the unit is not a part of the unit.

20 (b) (1) If a person is not entitled to expungement of one charge or conviction in
21 a unit, the person is not entitled to expungement of any other charge or conviction in the
22 unit.

23 (2) The disposition of a charge for a minor traffic violation that arises from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the same incident, transaction, or set of facts as a charge in the unit does not affect any
2 right to expungement of a charge or conviction in the unit.

3 **(C) IN A CRIMINAL CASE IN WHICH THE DEFENDANT IS CHARGED WITH**
4 **MULTIPLE OFFENSES, BEFORE THE DEFENDANT ENTERS INTO ANY PLEA**
5 **AGREEMENT, AN ATTORNEY REPRESENTING THE DEFENDANT SHALL EXPLAIN THE**
6 **MEANING AND POTENTIAL CONSEQUENCES OF SUBSECTIONS (A) AND (B) OF THIS**
7 **SECTION TO THE DEFENDANT.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2020.