


§ 8-302. Motion to vacate judgment of prostitution, MD CRIM PROC § 8-302

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Proposed Legislation

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MD Code, Criminal Procedure, § 8-302

§ 8-302. Motion to vacate judgment of prostitution

Effective: October 1, 2011

[Currentness](#)

**Grounds for motion to vacate judgment**

(a) A person convicted of prostitution under [§ 11-306 of the Criminal Law Article](#) may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of the prohibition against human trafficking under [§ 11-303 of the Criminal Law Article](#) or under federal law.

**Form and contents of motion**

(b) A motion filed under this section shall:

- (1) be in writing;
- (2) be signed and consented to by the State's Attorney;
- (3) be made within a reasonable period of time after the conviction; and
- (4) describe the evidence and provide copies of any documents showing that the defendant is entitled to relief under this section.

**Hearing on filed motion**

(c)(1) Except as provided in paragraph (2) of this subsection, the court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (b) of this section.

(2) The court may dismiss a motion without a hearing if the court finds that the motion fails to assert grounds on which relief may be granted.

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**Ruling on motion**

(d)(1) In ruling on a motion filed under this section, the court may vacate the conviction, modify the sentence, or grant a new trial.

(2) The court shall state the reasons for its ruling on the record.

**Burden of proof**

(e) A defendant in a proceeding under this section has the burden of proof.

**Credits**

Added by [Acts 2011, c. 218, § 1, eff. Oct. 1, 2011](#).

MD Code, Criminal Procedure, § 8-302, MD CRIM PROC § 8-302

Current through legislation effective May 25, 2017, from the 2017 Regular Session of the General Assembly