SENATE BILL 535

E2 0lr2526

SB 114/08 – JPR

By: **Senators Brochin and Stone**
Introduced and read first time: February 4, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

1   AN ACT concerning

2   **Criminal Procedure – Postconviction Proceeding – Venue**

3   FOR the purpose of altering the venue for a postconviction proceeding; making a
4   technical correction; and generally relating to post conviction proceedings and
5   venue.

6   BY repealing and reenacting, with amendments,
7   Article – Criminal Procedure
8   Section 7–102
9   Annotated Code of Maryland
10   (2008 Replacement Volume and 2009 Supplement)

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

13   **Article – Criminal Procedure**

14   7–102.

15   (a)   Subject to subsection (b) of this section, §§ 7–103 and 7–104 of this
16 subtitle**,** and Subtitle 2 of this title, a convicted person may begin a proceeding under
17 this title in the circuit court for the county in which the [conviction took place]
18 **INDICTMENT OR CRIMINAL INFORMATION WAS FILED** at any time if the person
19 claims that:

20   (1)   the sentence or judgment was imposed in violation of the
21 Constitution of the United States or the Constitution or laws of the State;

22   (2)   the court lacked jurisdiction to impose the sentence;

1   (3)   the sentence exceeds the maximum allowed by law; or

2   (4)   the sentence is otherwise subject to collateral attack on a ground of
3   alleged error that would otherwise be available under a writ of habeas corpus, writ of
4   coram nobis, or other common law or statutory remedy.

5   (b)   A person may begin a proceeding under this title if:

6   (1)   the person seeks to set aside or correct the judgment or sentence;
7   and

8   (2)   the alleged error has not been previously and finally litigated or
9   waived in the proceeding resulting in the conviction or in any other proceeding that
10   the person has taken to secure relief from the person's conviction.

11   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12   October 1, 2010.