

SENATE BILL 838

E2
SB 810/17 – JPR

8lr3226
CF HB 891

By: **Senator Smith**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Coram Nobis – Time for Filing**

3 FOR the purpose of providing that a petition for writ of error coram nobis may not be filed
4 more than a certain amount of time after the petitioner knew or should have known
5 about a certain consequence, with a certain exception; and generally relating to
6 coram nobis.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 8–401
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2017 Supplement)

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

14 **Article – Criminal Procedure**

15 8–401.

16 (A) The failure to seek an appeal in a criminal case may not be construed as a
17 waiver of the right to file a petition for writ of error coram nobis.

18 (B) **UNLESS GOOD CAUSE IS SHOWN, A PETITION FOR WRIT OF ERROR**
19 **CORAM NOBIS MAY NOT BE FILED MORE THAN 3 YEARS AFTER THE PETITIONER**
20 **KNEW OR SHOULD HAVE KNOWN THAT THE PETITIONER FACES A SIGNIFICANT**
21 **COLLATERAL CONSEQUENCE FROM THE CONVICTION THAT IS THE BASIS FOR THE**
22 **PETITION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 October 1, 2018.