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By: **Delegate Vallario**

Introduced and read first time: February 12, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Postconviction Proceedings - Venue**

3 FOR the purpose of requiring that the hearing on a petition filed for certain  
4 postconviction relief be held in the circuit court of the county in which the  
5 charging document was originally filed; and generally relating to postconviction  
6 proceedings.

7 BY repealing and reenacting, without amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 645A(a)(1)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

12 BY adding to  
13 Article 27 - Crimes and Punishments  
14 Section 645A(h)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1997 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 645A.

21 (a) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,  
22 any person convicted of a crime and either incarcerated under sentence of death or  
23 imprisonment or on parole or probation, including any person confined or on parole or  
24 probation as a result of a proceeding before the District Court who claims that the  
25 sentence or judgment was imposed in violation of the Constitution of the United  
26 States or the Constitution or laws of this State, or that the court was without  
27 jurisdiction to impose the sentence, or that the sentence exceeds the maximum  
28 authorized by law, or that the sentence is otherwise subject to collateral attack upon

1 any ground of alleged error which would otherwise be available under a writ of  
2 habeas corpus, writ of coram nobis, or other common-law or statutory remedy, may  
3 institute a proceeding under this subtitle in the circuit court for the county to set  
4 aside or correct the sentence, provided the alleged error has not been previously and  
5 finally litigated or waived in the proceedings resulting in the conviction, or in any  
6 other proceeding that the petitioner has taken to secure relief from his conviction.

7 (H) THE HEARING ON A PETITION SHALL BE HELD IN THE CIRCUIT COURT OF  
8 THE COUNTY IN WHICH THE CHARGING DOCUMENT WAS ORIGINALLY FILED.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.