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By: **Delegate Rosenberg**  
Introduced and read first time: February 11, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Newly Discovered Evidence**

3 FOR the purpose of requiring the court to hear all motions for a new trial of a felony  
4 crime based upon newly discovered evidence that would prove that the  
5 defendant is innocent of the crime for which the defendant was convicted  
6 regardless of the date that the motion is filed; and generally relating to newly  
7 discovered evidence.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 594  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 594.

17 (a) All motions for new trials in criminal cases shall be heard by the court in  
18 which said motion is pending within ten days after the filing of said motion, or, in the  
19 event of an agreed statement of the evidence, or a statement of the evidence certified  
20 by the judge before whom the case was tried, is filed, within ten days after the filing  
21 of said statement; provided, however, that the time for the hearing of any such motion  
22 may be extended either by an agreement in writing, signed by the State's Attorney of  
23 the county or the City of Baltimore, wherein such motion is pending, and by the  
24 defendant or his counsel, or by an order signed by the trial judge.

25 (B) ALL MOTIONS FOR A NEW TRIAL OF A FELONY CRIME INVOLVING NEWLY  
26 DISCOVERED EVIDENCE THAT, IF PROVEN, WOULD SHOW THAT THE DEFENDANT IS  
27 INNOCENT OF THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED SHALL BE  
28 HEARD BY THE COURT REGARDLESS OF THE DATE FILED.

1     [(b)]     (C)     Before a hearing under this section, the victim or victim's  
2 representative shall be notified of the proceeding as provided under § 770 or § 784 of  
3 this article.

4     [(c)]     (D)     A victim or victim's representative shall have the right to attend a  
5 hearing under this section as provided under § 857 of this article.

6     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2000.