

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1080 (Delegate Rosenberg)

Judiciary

Criminal Procedure - Newly Discovered Evidence

This bill requires a court to hear all motions for a new trial of a felony crime involving newly discovered evidence that, if proven, would show that the defendant is innocent of the crime for which the defendant was convicted, regardless of the date filed.

Fiscal Summary

State Effect: The bill is not expected to significantly impact governmental operations or finances.

Local Effect: The bill is not expected to significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: In general, a criminal defendant must file a motion for a new trial within ten days. Pursuant to the Maryland Rules, a court may grant a new trial or other appropriate relief in a circuit court criminal case on the ground of newly discovered evidence which could not have been discovered by due diligence in time to file a motion for a new trial within ten days, on motion filed within one year after the imposition of sentence or the date the court receives a mandate issued by the Court of Appeals or the Court of Special Appeals, whichever is later. If a sentence of death was imposed, the motion may be filed at any time if the newly discovered evidence, if proven, would show that the defendant is innocent of the capital crime of which the defendant was convicted or of an aggravating circumstance or other condition of eligibility for the death penalty actually found by the court or jury in

imposing the death sentence.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Maryland State's Attorneys' Association, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2000
mld/jr

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