

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 114

(Senators Brochin and Stone)

Judicial Proceedings

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**Criminal Procedure - Postconviction Proceeding - Venue**

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This bill changes the venue for a postconviction proceeding from the circuit court for the county in which the conviction took place to the circuit court for the county in which the indictment or criminal information was filed.

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**Fiscal Summary**

**State Effect:** The bill would not significantly affect operations of the Judiciary.

**Local Effect:** The bill would not significantly affect circuit court operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** The Uniform Postconviction Procedure Act (UPPA) and Title 4, Chapter 400 of the Maryland Rules outline the procedure that must be followed by convicted persons seeking postconviction relief. The UPPA applies to persons confined under sentence of death or imprisonment or on parole or probation. Petitions for postconviction relief may not be filed more than 10 years after the imposition of the sentence for cases in which the death sentence has not been imposed, unless extraordinary cause is shown. A convicted person may commence a postconviction proceeding if the person is claiming that:

- the sentence or judgment imposed was in violation of the Constitution of the United States or the Constitution or laws of the State;

- the court lacked jurisdiction to impose the sentence;
- the sentence exceeded the maximum allowed by law; or
- the sentence is otherwise subject to collateral attack (*e.g.*, ineffective assistance of counsel or certain evidentiary issues).

Postconviction proceedings are initiated in the circuit court for the county in which the conviction took place.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2008

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Analysis by: Jennifer K. Botts

Direct Inquiries to:

(410) 946-5510  
(301) 970-5510