

HOUSE BILL 366

E2

9lr1470
CF 9lr2138

By: **Delegates Rosenberg, Anderson, Braveboy, Carter, Dumais, Pena-Melnyk, Ramirez, V. Turner, Valderrama, and Waldstreicher**

Introduced and read first time: February 2, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Petition for Writ of Actual Innocence – Newly**
3 **Discovered Evidence**

4 FOR the purpose of authorizing a convicted person to file a petition for writ of actual
5 innocence in a certain court if the person claims that there is newly discovered
6 evidence that meets certain requirements; establishing requirements for a
7 petition filed under this Act; requiring the court to hold a hearing on the
8 petition under certain circumstances, with a certain exception; authorizing the
9 court to take certain actions in ruling on the petition; requiring the court to
10 state on the record the reasons for its ruling on the petition; establishing that a
11 petitioner in a proceeding under this Act has the burden of proof; and generally
12 relating to newly discovered evidence and petitions for writs of actual innocence.

13 BY adding to

14 Article – Criminal Procedure

15 Section 8–301 to be under the new subtitle “Subtitle 3. Newly Discovered
16 Evidence”

17 Annotated Code of Maryland

18 (2008 Replacement Volume)

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

21 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2) THE COURT SHALL STATE THE REASONS FOR ITS RULING ON**
2 **THE RECORD.**

3 **(E) A PETITIONER IN A PROCEEDING UNDER THIS SECTION HAS THE**
4 **BURDEN OF PROOF.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.