

HB0128/872110/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 128

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Rosenberg” and substitute “Delegates Rosenberg, Anderson, and Dumais”; in line 4, after the first “of” insert “limiting to a person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime the authority to file a petition for writ of actual innocence under certain circumstances;”; in the same line, after the first “a” insert “certain”; and in line 10, after “innocence;” insert “repealing a provision of law authorizing the court to dismiss a certain petition without a hearing if the court finds that the petition fails to state a claim; authorizing the State or a certain petitioner to appeal a certain order to the Court of Special Appeals within a certain time period; requiring an appeal under this Act to follow the form and procedure set by the Maryland Rules; authorizing the court to stay an order and set bail under certain circumstances; authorizing the Court of Special Appeals to affirm, modify, or reverse an order or remand a case for further proceedings under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 21, strike “convicted”; in the same line, after “person” insert “CHARGED BY INDICTMENT OR CRIMINAL INFORMATION WITH A CRIME TRIABLE IN CIRCUIT COURT AND CONVICTED OF THAT CRIME MAY”; in the same line, strike “may”.

On page 2, in line 14, strike “**15**” and substitute “**90**”; and in line 26, strike “state a claim or”.

AMENDMENT NO. 3

On page 3, after line 2, insert:

(Over)

“(H) (1) WITHIN 30 DAYS AFTER THE COURT PASSES AN ORDER IN ACCORDANCE WITH THIS SECTION, THE STATE OR THE PETITIONER MAY APPEAL THE ORDER TO THE COURT OF SPECIAL APPEALS.

(2) (I) THE APPEAL SHALL FOLLOW THE FORM AND PROCEDURE SET BY THE MARYLAND RULES.

(II) IF THE STATE FILES AN APPEAL UNDER THIS SUBSECTION, THE COURT MAY:

1. STAY THE ORDER; AND

2. SET BAIL FOR THE PETITIONER.

(III) AFTER HEARING AN APPEAL UNDER THIS SUBSECTION, THE COURT OF SPECIAL APPEALS MAY:

1. AFFIRM, MODIFY, OR REVERSE THE ORDER APPEALED FROM; OR

2. REMAND THE CASE FOR FURTHER PROCEEDINGS.”.