

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 535 (Senators Brochin and Stone)
Judicial Proceedings

Criminal Procedure - Postconviction Proceeding - Venue

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.

Fiscal Summary

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

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

Small Business Effect: None.

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. 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.

Additional Information

Prior Introductions: SB 114 of 2008 received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

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

Fiscal Note History: First Reader - March 8, 2010
ncs/kdm

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