

HOUSE BILL 1418

E2

2lr3379

By: **Delegates Anderson, Alston, Carter, Simmons, Valentino-Smith, Vallario,
and Waldstreicher**

Introduced and read first time: February 29, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Coram Nobis – Failure to Seek Appeal**

3 FOR the purpose of providing that the failure to seek an appeal in a criminal case may
4 not be construed as a waiver of the right to file a petition for writ of error coram
5 nobis; and generally relating to coram nobis.

6 BY adding to

7 Article – Criminal Procedure

8 Section 8–401 to be under the new subtitle “Subtitle 4. Coram Nobis” and the
9 amended title “Title 8. Other Postconviction Review”

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2011 Supplement)

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

14 **Article – Criminal Procedure**

15 Title 8. [Sentence Review.] **OTHER POSTCONVICTION REVIEW.**

16 **SUBTITLE 4. CORAM NOBIS.**

17 **8–401.**

18 **THE FAILURE TO SEEK AN APPEAL IN A CRIMINAL CASE MAY NOT BE**
19 **CONSTRUED AS A WAIVER OF THE RIGHT TO FILE A PETITION FOR WRIT OF**
20 **ERROR CORAM NOBIS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.