

Chapter 410

(House Bill 1031)

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

FOR the purpose of providing that an appeal from a final judgment entered following a conditional plea of guilty may be taken in accordance with the Maryland Rules; defining a certain term; and generally relating to the right of appeal from final judgments in criminal cases.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 12–302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

12–302.

(e) **(1) IN THIS SUBSECTION, “CONDITIONAL PLEA OF GUILTY” MEANS A GUILTY PLEA WITH WHICH THE DEFENDANT PRESERVES IN WRITING ANY PRETRIAL ISSUES THAT THE DEFENDANT INTENDS TO APPEAL.**

(2) [Section] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, § 12–301 of this subtitle does not permit an appeal from a final judgment entered following a plea of guilty in a circuit court. Review of such a judgment shall be sought by application for leave to appeal.

(3) AN APPEAL FROM A FINAL JUDGMENT ENTERED FOLLOWING A CONDITIONAL PLEA OF GUILTY MAY BE TAKEN IN ACCORDANCE WITH THE MARYLAND RULES.

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

Approved by the Governor, May 2, 2012.