

# SENATE BILL 675

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7lr1996  
CF 7lr2843

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By: **Senators Kelley, Conway, Currie, Ferguson, Guzzone, Hough, Lee, McFadden, Smith, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Petition for Writ of Actual Innocence – Nontrial**  
3 **Convictions**

4 FOR the purpose of defining the term “conviction” as it relates to the standard required to  
5 file a petition for writ of actual innocence by a person convicted at trial; establishing  
6 a standard required to file a petition for writ of actual innocence by a person  
7 convicted as a result of a guilty plea, an Alford plea, or a plea of nolo contendere; and  
8 generally relating to a petition for writ of actual innocence.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 8–301(a)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2016 Supplement)

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

16 **Article – Criminal Procedure**

17 8–301.

18 (a) **(1) IN THIS SUBSECTION, “CONVICTION” MEANS:**

19 **(I) A FINDING OF GUILTY AS A RESULT OF A TRIAL;**

20 **(II) A PLEA OF GUILTY;**

21 **(III) AN ALFORD PLEA; OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(IV) A PLEA OF NOLO CONTENDERE.**

2                   **(2)** A person charged by indictment or criminal information with a crime  
3 triable in circuit court and convicted of that crime may, at any time, file a petition for writ  
4 of actual innocence in the circuit court for the county in which the conviction was imposed  
5 if the person claims that there is newly discovered evidence that:

6                   **[(1)] (I) 1. IF THE CONVICTION RESULTED FROM A TRIAL,** creates  
7 a substantial or significant possibility that the result may have been different, as that  
8 standard has been judicially determined; **[and] OR**

9   **2. IF THE CONVICTION RESULTED FROM A GUILTY PLEA,**  
10 **AN ALFORD PLEA, OR A PLEA OF NOLO CONTENDERE, SUBSTANTIALLY OR**  
11 **SIGNIFICANTLY UNDERMINES THE FACTS SET FORTH BY THE STATE AS THE BASIS**  
12 **OF THE PLEA AGREEMENT; AND**

13                   **[(2)] (II)** could not have been discovered in time to move for a new trial  
14 under Maryland Rule 4-331.

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2017.