

# HOUSE BILL 626

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By: **Delegates Clippinger, Vallario, Alston, Anderson, Arora, Cluster, Dwyer, Hough, McComas, McDermott, Mitchell, Niemann, Olszewski, Parrott, Sophocleus, Summers, Valderrama, and Wilson**

Introduced and read first time: February 9, 2011

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Petition for Writ of Actual Innocence – Circuit Court**  
3 **Jurisdiction**

4 FOR the purpose of limiting the eligibility for the filing of a petition for writ of actual  
5 innocence to a person convicted in circuit court of an offense that was within the  
6 exclusive original trial jurisdiction of that court, or an attempt, conspiracy, or  
7 solicitation to commit such an offense; and generally relating to petitions for  
8 writ of actual innocence.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 8–301(a) ~~and (e)~~  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2010 Supplement)

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

16 **Article – Criminal Procedure**

17 8–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A person [charged by indictment or criminal information with a crime  
 2 triable in circuit court and convicted of that crime] **CONVICTED IN CIRCUIT COURT**  
 3 **OF AN OFFENSE THAT WAS WITHIN THE EXCLUSIVE ORIGINAL TRIAL**  
 4 **JURISDICTION OF THAT COURT, OR AN ATTEMPT, CONSPIRACY, OR**  
 5 **SOLICITATION TO COMMIT SUCH AN OFFENSE**, may, at any time, file a petition for  
 6 writ of actual innocence in the circuit court for the county in which the conviction was  
 7 imposed if the person claims that there is newly discovered evidence that:

8 (1) creates a substantial or significant possibility that the result may  
 9 have been different, as that standard has been judicially determined; and

10 (2) could not have been discovered in time to move for a new trial  
 11 under Maryland Rule 4-331.

12 ~~(e) (1) A petitioner shall notify the State in writing of the filing of a~~  
 13 ~~petition under this section.~~

14 ~~(2) The State may file a response to the petition within 90 days after~~  
 15 ~~receipt of the notice required under this subsection or within the period of time that~~  
 16 ~~the court orders.~~

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 18 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.