

HOUSE BILL 794

E2

2lr1193
CF SB 369

By: **Delegates Waldstreicher, Vallario, Hough, and Valentino-Smith**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Revision of Verdict or Judgment – Procedures**

3 FOR the purpose of establishing that in a criminal case, the court may not exercise
4 revisory power and control over a judgment unless the court follows the
5 procedures set forth in a certain Maryland Rule; establishing that, in a criminal
6 case, the court may not exercise revisory power and control over a verdict unless
7 the court follows the procedures set forth in a certain Maryland Rule; and
8 generally relating to the court's revisory power and control over a verdict or
9 judgment.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 6–408
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2011 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 6–408.1
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2011 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 6–408.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1)** For a period of 30 days after the entry of a judgment, or thereafter
2 pursuant to motion filed within that period, the court has revisory power and control
3 over the judgment.

4 **(2)** After the expiration of that period the court has revisory power and
5 control over the judgment only in case of fraud, mistake, irregularity, or failure of an
6 employee of the court or of the clerk's office to perform a duty required by statute or
7 rule.

8 **(B) IN A CRIMINAL CASE, THE COURT MAY NOT EXERCISE REVISORY**
9 **POWER AND CONTROL OVER A JUDGMENT UNDER THIS SECTION UNLESS THE**
10 **COURT FOLLOWS THE PROCEDURES SET FORTH IN MARYLAND RULE 4-345.**

11 **6-408.1.**

12 **IN A CRIMINAL CASE, THE COURT MAY NOT EXERCISE REVISORY POWER**
13 **AND CONTROL OVER A VERDICT UNLESS THE COURT FOLLOWS THE**
14 **PROCEDURES SET FORTH IN MARYLAND RULE 4-331.**

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