

HOUSE BILL 755

E2

7lr2474

By: **Delegates Moon, Vallario, Anderson, Proctor, Sanchez, and Sydnor**

Introduced and read first time: February 2, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2017

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Coram Nobis – Time for Filing**

3 FOR the purpose of providing that a petition for writ of error coram nobis may not be filed
4 more than a certain amount of time after the petitioner knew or should have known
5 about a certain consequence, with a certain exception; and generally relating to
6 coram nobis.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 8–401
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2016 Supplement)

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

14 **Article – Criminal Procedure**

15 8–401.

16 (A) The failure to seek an appeal in a criminal case may not be construed as a
17 waiver of the right to file a petition for writ of error coram nobis.

18 (B) **UNLESS GOOD CAUSE IS SHOWN, A PETITION FOR WRIT OF ERROR**
19 **CORAM NOBIS MAY NOT BE FILED MORE THAN 3 YEARS AFTER THE PETITIONER**

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.



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1 **KNEW OR SHOULD HAVE KNOWN THAT THE PETITIONER FACES A SIGNIFICANT**
2 **COLLATERAL CONSEQUENCE FROM THE CONVICTION THAT IS THE BASIS FOR THE**
3 **PETITION.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.