

HB0395/898772/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 395
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “conviction” in line 6 and substitute “authorizing a court to order a certain remedy”; strike beginning with the second “a” in line 11 down through “conviction” in line 12 and substitute “a certain remedy”; and in line 14, after “circumstances;” insert “making conforming changes;”.

AMENDMENT NO. 2

On page 5, strike beginning with “**CONTENDERE,**” in line 14 down through “**IF**” in line 15 and substitute “**CONTENDERE AND**”; in line 18, after “**MOTION**” insert “**, THE COURT MAY, AS THE COURT CONSIDERS APPROPRIATE:**”

1. IF NO POSTCONVICTION PROCEEDING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7-102 OF THIS ARTICLE, OPEN A POSTCONVICTION PROCEEDING UNDER § 7-102 OF THIS ARTICLE;

2. IF A POSTCONVICTION PROCEEDING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7-102 OF THIS ARTICLE, REOPEN A POSTCONVICTION PROCEEDING UNDER § 7-104 OF THIS ARTICLE; OR

3. SET ASIDE THE CONVICTION AND SCHEDULE THE MATTER FOR TRIAL;

(Over)

**HB0395/898772/1 Judicial Proceedings Committee
Amendments to HB 395
Page 2 of 2**

strike beginning with “WHETHER” in line 25 down through “CONVICTION” in line 26 and substitute “AN APPROPRIATE REMEDY UNDER THIS PARAGRAPH”; and in line 30, after “granted” insert “OR THE MATTER IS SCHEDULED FOR TRIAL”.

On page 8, strike beginning with “WHEN” in line 17 down through “ENTERED,” in line 20.

On page 9, in line 25, after “PARTY” insert a comma; in line 26, strike “THAT WAS”; in the same line, after “PLEA” insert a comma; and in line 29, after “THAT” insert “, WHEN CONSIDERED WITH ADMISSIBLE EVIDENCE, IN ADDITION TO THE EVIDENCE PRESENTED AS PART OF THE FACTUAL SUPPORT OF THE PLEA, THAT WAS CONTAINED IN LAW ENFORCEMENT FILES IN EXISTENCE AT THE TIME THE PLEA WAS ENTERED,”.

On page 10, in line 1, strike “GRANT A NEW TRIAL OR VACATE THE CONVICTION” and substitute “SET ASIDE THE CONVICTION, RESENTENCE, SCHEDULE THE MATTER FOR TRIAL, OR CORRECT THE SENTENCE, AS THE COURT CONSIDERS APPROPRIATE”; and strike beginning with “sets” in line 15 down through “trial” in line 16 and substitute “:

(I) SETS ASIDE THE VERDICT OR CONVICTION; OR

(II) SCHEDULES THE MATTER FOR TRIAL OR GRANTS A NEW TRIAL”.