

4 of 14 DOCUMENTS

Annotated Code of Maryland
Copyright 2006 by Matthew Bender and Company, Inc.
a member of the LexisNexis Group
All rights reserved.

*** CURRENT THROUGH THE 2005 REGULAR SESSION AND CHAPTERS 1 THROUGH 17
OF THE 2006 REGULAR SESSION ***

*** ANNOTATIONS ARE CURRENT THROUGH JUNE 2, 2006 ***

COURTS AND JUDICIAL PROCEEDINGS
TITLE 3. COURTS OF GENERAL JURISDICTION — JURISDICTION/SPECIAL CAUSES OF ACTION
SUBTITLE 7. HABEAS CORPUS

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-701 (2006)

§ 3-701. Power to grant writ and exercise jurisdiction

A judge of the circuit court for a county, of the Court of Special Appeals, or of the Court of Appeals has the power to grant the writ of habeas corpus and exercise jurisdiction in all matters pertaining to habeas corpus.

HISTORY: An. Code 1957, art. 42, § 1; 1973, 1st Sp. Sess., ch. 2, § 1; 1982, ch. 820, § 3.

NOTES:

EDITOR'S NOTE.—Section 6, ch. 820, Acts 1982, provides that "it is the intent of this act that the Circuit Court for Baltimore City is for all purposes to be treated as the circuit court for a county."

MARYLAND LAW REVIEW.—For comment discussing the Maryland version of the Uniform Post Conviction Procedure Act, with special reference to the writ of habeas corpus, see *19 Md. L. Rev. 233 (1959)*.

For note discussing federal habeas corpus and Maryland post conviction remedies, see *24 Md. L. Rev. 46 (1964)*.

For article, "Post-conviction in Maryland: Past, Present and Future," see *45 Md. L. Rev. 927 (1986)*.

JURISDICTION TO ISSUE.—Courts and judges are clothed with jurisdiction to issue habeas corpus at all times and in all places throughout the State. *Deckard v. State, 38 Md. 186 (1873)*.

NO RESTRICTION OF POWER TO ISSUE.—Any attempted restriction upon power of judges over habeas corpus is unconstitutional. *State v. Glenn, 54 Md. 572 (1880)*.

BREADTH OF WRIT.—Writ of habeas corpus is broad enough to permit consideration of claims of denial of procedural due process. *State v. D'Onofrio, 221 Md. 20, 155 A.2d 643 (1959)*.

INDIVIDUAL JUDGES OF COURT OF APPEALS MAY ISSUE HABEAS CORPUS.—While the Court of Appeals cannot issue habeas corpus, its jurisdiction being appellate, the individual judges thereof may issue it. *Ex parte O'Neill, 8 Md. 227 (1855)*.

HEARING OF APPLICATION BY CHIEF JUDGE OF SUPREME BENCH OF BALTIMORE.—See *Bernard v. Warden of Md. House of Cor., 187 Md. 273, 49 A.2d 737 (1946)*.

CITED IN Jones v. State, 61 Md. App. 94, 484 A.2d 1050 (1984); Walker v. State, 392 Md. 1, 895 A.2d 1024 (2006).