

nobis cases or from other common law or statutory remedies which have heretofore been available for challenging the validity of incarceration under sentence of death or imprisonment; and providing, further, that any person may apply to the Court of Appeals of Maryland for leave to appeal from an order passed under this Act, relating generally thereto and repealing all laws or parts of laws inconsistent herewith to the extent of such inconsistency.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 645-A to 645-J, inclusive, be and they are hereby added to Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", sub-title "Jurisdiction, Procedure and Sentence", to follow immediately after Section 645 of said Article, and to be under the new sub-heading, "Post Conviction Procedure", and to read as follows:

*Post Conviction Procedure*

645A. (a) *Any person convicted of a crime and incarcerated under sentence of death or imprisonment, including those confined as a result of a proceeding under Article 31B of the Code, title "Defective Delinquents", who claims that the sentence or judgment was imposed in violation of the Constitution of the United States or the Constitution or laws of this State, or that the court was without jurisdiction to impose the sentence, or that the sentence exceeds the maximum authorized by law, or that the sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under a writ of habeas corpus, writ of coram nobis, or other common law or statutory remedy, may institute a proceeding under this Act to set aside or correct the sentence, provided the alleged error has not been previously and finally litigated or waived in the proceedings resulting in the conviction, or in any other proceeding that the petitioner has taken to secure relief from his conviction.*

(b) *The remedy herein provided is not a substitute for, nor does it affect any remedies which are incident to the proceedings in the trial court, or any remedy of direct review of the sentence or conviction. A petition for relief under this Act may be filed at any time. Hereafter no appeals to the Court of Appeals of Maryland in habeas corpus or coram nobis cases, or from other common law or statutory remedies which have heretofore been available for challenging the validity of incarceration under sentence of death or imprisonment shall be permitted or entertained, except appeals in such cases pending in the Court of Appeals on the effective date of this Act shall be processed in due course.*

645-B. (a) *The Circuit Courts for the respective Counties of this State and the several judges thereof out of court, the various Courts of Baltimore City whose judges comprise the Supreme Bench of Baltimore City, and the judges of said several courts out of court, may determine that an application for a writ of habeas corpus should be entertained as a proceeding under this Act, unless it appears that the remedy under this Act is inadequate or ineffective to test the legality of the applicant's detention.*

(b) *If a court or judge so determines that the application should be entertained as a proceeding under this Act, he shall WITH THE CONSENT OF THE APPLICANT, pass an order to that effect and*