

In the event that the applicant does not consent to the passage of such order, the application shall be heard as a habeas corpus application in the court in which it was filed.

645C. Except in a proceeding brought under Section 645B of this sub-title, the proceeding is commenced by filing a petition verified by the petitioner with the clerk of the [court in which] *Circuit Court or Criminal Court of Baltimore in the county or city where the conviction took place.* Facts within the personal knowledge of the petitioner and the authenticity of all documents and exhibits included in or attached to the petition must be sworn to affirmatively as true and correct. The Court of Appeals of Maryland may by rule prescribe the form of verification. The clerk shall docket the petition upon its receipt and bring it promptly to the attention of the court and the State's attorney.

645G. ~~[The] If a hearing is necessary the~~ petition shall be heard in the [court in which] *Circuit Court or Criminal Court of Baltimore in the county or city where the conviction took place* and before any judge thereof except the judge who sat at the trial at which the person was convicted, unless the person convicted consents to hearing by such judge. The court may receive proof by affidavits, depositions, oral testimony, or other evidence, and may order the petitioner brought before it for the hearing. If the court finds in favor of the petitioner, it shall enter an [appropriate] *appropriate* order with respect to the judgment or sentence in the former proceedings, and any supplementary orders as to arraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper. ~~If it clearly appears from the petition and the response thereto by the State, that the material facts are undisputed and that they do not constitute grounds for relief under this Act, the court may dismiss the petition without a hearing.~~ The order making final disposition of the petition shall clearly state the grounds on which the case was determined and whether a federal or a State right was presented and decided. This order constitutes a final judgment for purposes of review.

645H. All grounds for relief claimed by a petitioner under this sub-title must be raised in his original or amended petition, and any grounds not so raised are waived unless the court [on hearing] *finds* in a subsequent petition [finds] grounds for relief asserted therein which could not reasonably have been raised in the original or amended petition. ~~If it does not find~~ IF THE COURT FINDS THERE ARE NO *such grounds for relief, the court, after a response to the petition has been filed by the State, may forthwith dismiss the petition without a hearing or appointment of counsel.*

645J. This sub-title may be cited as the *Uniform Post Conviction Procedure Act.*

SEC. 2. *And be it further enacted, That this Act shall take effect June 1, 1959.*

Approved April 8, 1959.