

REQUIREMENT SHALL NOT APPLY TO ANY CHILD WHOSE PARENT OR PARENTS OBJECT TO THE ADMINISTRATION OF THE TEST ON THE GROUNDS THAT THE SAME WOULD VIOLATE THEIR RELIGIOUS BELIEFS.

SEC. 2. *And be it further enacted, That this Act shall take effect June 1, 1965.*

Approved April 8, 1965.

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CHAPTER 442

(House Bill 901)

AN ACT to repeal and re-enact, with amendments, Section 645A of Article 27 of the Annotated Code of Maryland (1964 Supplement), title "Crimes and Punishments," subtitle "Venue, Procedure and Sentence," subheading "Post Conviction Procedure," to repeal Section 645H of said Article and subtitle of the Code; to permit a person on parole or probation to institute a proceeding under the Post Conviction Procedure Act; to define those circumstances in which an allegation of error is finally litigated or waived for the purposes of said Act; to create a rebuttable presumption in favor of waiver in certain circumstances; to repeal an existing provision in said Act dealing with repetitive petitions thereunder, which provision is encompassed in the new provisions relating to waiver; to enumerate certain classes of habeas corpus cases in which an appeal to the Court of Appeals may be taken; to correct obsolete references in the law to the Traffic Court of Baltimore City; TO CLARIFY THAT THE POST CONVICTION PROCEDURE ACT APPLIES TO CRIMINAL PROCEEDINGS IN THE PEOPLE'S COURT OF THE VARIOUS COUNTIES; and relating generally to proceedings under the Post Conviction Procedure Act.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Section 645A of Article 27 of the Annotated Code of Maryland (1964 Supplement), title "Crimes and Punishments," subtitle "Venue, Procedure and Sentence," subheading "Post Conviction Procedure," be and it is hereby repealed and re-enacted, with amendments, to read as follows:*

645A.

(a) Any person convicted of a crime and *either* incarcerated under sentence of death or imprisonment *or on parole or probation*, including [those confined] *any person confined or on parole or probation as a result of a proceeding before a trial magistrate [.] (including a [magistrate] judge of the [Traffic] Municipal Court of Baltimore City OR OF THE PEOPLE'S COURT OF ANY COUNTY) [.] or 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 or trial magistrate [.] (including a [magistrate] judge of the [Traffic] Municipal Court*