

however, that nothing in this subtitle shall operate to bar an appeal to the Court of *Special Appeals* (1) in a habeas corpus proceeding instituted under Section 25 of Article 41 of this Code or (2) in any other proceeding in which a writ of habeas corpus is sought for any purpose other than to challenge the legality of a conviction of a crime or sentence of death or imprisonment therefor, including confinement as a result of a proceeding under Article 31B of this Code.

SEC. 5. *And be it further enacted by the General Assembly of Maryland,* That Section 25 of Article 41 of the Annotated Code of Maryland (~~1957 Edition,~~ 1965 Replacement Volume), title "Governor—Executive and Administrative Departments," subtitle "~~Extradition,~~" "THE EXECUTIVE DEPARTMENT," be and it is hereby repealed and reenacted, with an amendment, to read as follows:

25.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall be first taken forthwith before a judge of a court of record in this State, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county or the City of Baltimore in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state. If the application for a writ of habeas corpus after an extradition hearing only, is denied by the trial court, the denial may be appealed to the Court of *Special Appeals*.

SEC. 6. *And be it further enacted by the General Assembly of Maryland,* That Section 19 of Article 42 of the Annotated Code of Maryland (~~1957 Edition,~~ 1965 Replacement Volume), title "Habeas Corpus," subtitle "Jurisdiction and Procedure," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

19.

Whenever any court in this State having jurisdiction in the premises, other than the Court of Appeals or *the Court of Special Appeals*, or when any judge of any court in this State having jurisdiction in the premises shall release or discharge any person brought before such court or judge, under the writ of habeas corpus, charged with the violation of the provisions of any act of Assembly of this State, or section thereof or of any article or section of the Code of Public General Laws or public local laws of this State, upon the ground, or for the reason, that such act of Assembly, or section thereof, or such article or section of the Code of Public General Laws or public local laws is unconstitutional and void, in whole or in part, because contrary to the Constitution or Bill of Rights of this State, or because contrary to the Constitution of the United States, it shall be the duty