

FOR the purpose of limiting the number of petitions a person may file for post conviction relief; and generally relating to post conviction procedure.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 645A(a) and (f)
Annotated Code of Maryland
(1982 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

645A.

(a) (1) Any person convicted of a crime and either incarcerated under sentence of death or imprisonment or on parole or probation, including any person confined or on parole or probation as a result of a proceeding before the District Court 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 which would otherwise be available under a writ of habeas corpus, writ of coram nobis, or other common-law or statutory remedy, may institute a proceeding under this subtitle in the circuit court for the county 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.

(2) A PERSON MAY NOT FILE MORE THAN 2 PETITIONS, ARISING OUT OF EACH TRIAL, FOR RELIEF UNDER THIS SUBTITLE.

(f) A petitioner is entitled to the assistance of counsel and a hearing on the first petition filed by the petitioner under this section. The court shall determine if assistance of counsel or a hearing should be granted on A subsequent [petitions] PETITION filed by a petitioner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

May 27, 1986