

SENATE BILL 369

E2

2lr2572
CF 2lr1193

By: **Senator Stone**

Introduced and read first time: January 30, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Revision of Verdict or Judgment – Restrictions**

3 FOR the purpose of establishing that in a criminal case, the court may revise a verdict
4 or judgment only after a certain motion has been filed, a notice of hearing has
5 been sent to certain parties, and a hearing has been held; applying a certain
6 provision of law relating to the court's revisory power and control over a
7 judgment only to civil cases; and generally relating to the court's revisory power
8 and control over a verdict or judgment.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 6–408
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2011 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 6–408.

18 **(A) IN A CRIMINAL CASE, THE COURT MAY REVISE A VERDICT OR**
19 **JUDGMENT ONLY AFTER:**

20 **(1) A MOTION HAS BEEN FILED UNDER § 6–105 OF THE CRIMINAL**
21 **PROCEDURE ARTICLE, MARYLAND RULE 4–331, OR MARYLAND RULE 4–345;**

22 **(2) A NOTICE OF HEARING HAS BEEN SENT TO THE STATE, THE**
23 **DEFENDANT, AND EACH VICTIM WHO HAS REQUESTED NOTICE; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) A HEARING HAS BEEN HELD.**

2 **(B) (1) [For] IN CIVIL CASES, FOR** a period of 30 days after the entry of a
3 judgment, or thereafter pursuant to motion filed within that period, the court has
4 revisory power and control over the judgment.

5 **(2)** After the expiration of that period the court has revisory power and
6 control over the judgment only in case of fraud, mistake, irregularity, or failure of an
7 employee of the court or of the clerk's office to perform a duty required by statute or
8 rule.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.