West's Annotated Code of Maryland
Criminal Procedure (Refs & Annos)
Title 7. Uniform Postconviction Procedure Act (Refs & Annos)
Subtitle 1. In General (Refs & Annos)

MD Code, Criminal Procedure, § 7-108

§ 7-108. Assistance of counsel and hearing

Effective: December 14, 2022
Currentness

(a) Except as provided in subsection (b) of this section, a person is entitled to assistance of counsel and a hearing on a petition filed under this title.

(b)(1) If a person seeks to reopen a postconviction proceeding under § 7-104 of this subtitle, the court shall determine whether assistance from counsel or a hearing should be granted.

(2) If an appeal has been taken from the judgment of conviction to the Appellate Court of Maryland, until the judgment of conviction becomes final in the Appellate Court of Maryland, the court need not:

(i) appoint counsel;

(ii) hold a hearing; or

(iii) act on the petition.

Credits
Added by Acts 2001, c. 10, § 2, eff. Oct. 1, 2001. Amended by Acts 2023, c. 49, § 6.

Formerly Art. 27, § 645A.

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2001, c. 10):

This section is new language derived without substantive change from former Art. 27, § 645A(f) and, as it related to appeals pending in the Court of Special Appeals, the second sentence of (e).

In subsections (a) and (b) of this section, the term “person” is substituted for the former references to “petitioner” and “defendant” to conform to the terminology used throughout this title.

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Defined term: "Person" § 1-101

Notes of Decisions (98)

MD Code, Criminal Procedure, § 7-108, MD CRIM PROC § 7-108
Current with all legislation from the 2026 Regular Session and 2026 1st Special Session of the General Assembly. Some statute sections may be more current, see credits for details

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