

SENATE BILL 25

Emergency Bill

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2000 Regular Session
0lr0376
CF 0lr0394

(PRE-FILED)

By: **Senators Baker, Miller, Jimeno, Astle, DeGrange, and Neall Neall,
Green, Colburn, Haines, Forehand, and Mooney**

Requested: August 5, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 20, 2000

CHAPTER _____

1 AN ACT concerning

2 **Criminal Sentencing - Confinement as a Condition of Probation**

3 FOR the purpose of expanding the authority of the courts throughout the State to
4 impose a sentence of confinement as a condition of probation; making this Act an
5 emergency measure; and generally relating to the authority of the courts to
6 impose a sentence of confinement as a condition of probation.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 639(a), 641(a)₂ and 641A(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 639.

16 (a) (1) The courts may suspend sentence generally or for a definite time, and
17 may make such orders and impose such terms as to costs, recognizance for
18 appearance, or matters relating to the residence or conduct of the convicts as may be
19 deemed proper; and if the convict is a person under 18 years of age, the courts may
20 also make such orders as to his detention in any care or custody as may be deemed
21 proper.

1 (2) Notwithstanding paragraph (1) of this subsection, a court may not
2 stay the entering of judgment and place a person on probation for a violation of any
3 provision of § 21-902 of the Transportation Article if the person has been convicted
4 under, or has been placed on probation under this section after being charged with a
5 violation of, § 21-902 of the Transportation Article within the preceding 5 years.

6 (3) Notwithstanding paragraph (1) of this subsection, a court may not
7 stay the entering of judgment and place a person on probation for a second or
8 subsequent controlled dangerous substance offense under §§ 276 through 303 of this
9 article.

10 (4) Notwithstanding paragraph (1) of this subsection, a court may not
11 stay the entering of judgment and place a person on probation for a violation of any of
12 the provisions of §§ 462 through 464B of this article for an offense involving a person
13 under the age of 16 years.

14 (5) By consenting to and receiving a stay of entering of the judgment as
15 provided by this subsection, the person waives the right to appeal from the judgment
16 of guilt by the court at any time. Prior to the person consenting to the stay of entering
17 of the judgment, the court shall notify the person that by consenting to and receiving
18 a stay of entry of judgment, the person waives the right to appeal from the judgment
19 of guilt by the court at any time.

20 641A.

21 (a) (1) Upon entering a judgment of conviction, the court having jurisdiction
22 may suspend the imposition or execution of sentence and place the defendant on
23 probation upon such terms and conditions as the court deems proper.

24 (2) [In Charles County, St. Mary's County, Cecil County, Harford County,
25 and Calvert County, the] THE court may impose as a condition of probation a
26 sentence of confinement.

27 (3) The court may impose a sentence for a specified period and provide
28 that a lesser period be served in confinement, suspend the remainder of the sentence
29 and grant probation for a period longer than the sentence but not in excess of 5 years.

30 (4) However, if the defendant consents in writing, the court may grant
31 probation in excess of 5 years, but only for purposes of making restitution.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health and safety,
34 has been passed by a ye and nay vote supported by three-fifths of all the members
35 elected to each of the two Houses of the General Assembly, and shall take effect from
36 the date it is enacted.

