

SENATE BILL 145

E2

(9lr1245)

ENROLLED BILL

—*Judicial Proceedings / Judiciary*—

Introduced by **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Courts – Violation of Probation or Suspension of Sentence – Notice or**
3 **Warrant**

4 FOR the purpose of authorizing a circuit court to end a period of probation at any
5 time, remand or release a probationer or defendant pending a hearing of a
6 violation of probation, and, on a finding of violation, revoke probation or
7 suspension of sentence and impose a certain sentence; altering a requirement
8 that the District Court issue a warrant or give notice of a hearing on violation of
9 probation during the period of probation; requiring that a certain hearing date
10 be timely; making stylistic changes; and generally relating to a proceeding in
11 the District Court or circuit courts for a violation of a condition of probation or
12 suspension of sentence.

13 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Article – Criminal Procedure
 2 Section 6–223
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume)

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

7 **Article – Criminal Procedure**

8 6–223.

9 (a) [The] **A CIRCUIT COURT OR THE** District Court may end the period of
 10 probation at any time.

11 (b) ~~During the period of [probation, on written charges under oath or on~~
 12 ~~violation of a condition of probation,] **PROBATION OR WITHIN 90 DAYS AFTER THE**~~
 13 ~~**DATE ON WHICH THE PROBATION OF THE DEFENDANT ENDS, ON RECEIPT OF**~~
 14 ~~**WRITTEN CHARGES, FILED UNDER OATH, THAT THE DEFENDANT VIOLATED A**~~
 15 ~~**CONDITION OF PROBATION DURING THE PERIOD OF PROBATION,** the District~~
 16 ~~**Court may** **ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT A**~~
 17 ~~**PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING**~~
 18 ~~**THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD**~~
 19 ~~**OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS**~~
 20 ~~**LATER,** issue a warrant or notice requiring the probationer or defendant to be brought~~
 21 or appear before the judge issuing the warrant or notice:

22 (1) to answer the charge of violation of [conditions] **A CONDITION** of
 23 probation or of suspension of sentence; and

24 (2) to be present for the setting of a **TIMELY** hearing date for that
 25 charge.

26 (c) Pending the hearing or determination of the charge, **A CIRCUIT COURT**
 27 **OR** the District Court may remand the probationer or defendant to a correctional
 28 facility or release the probationer or defendant with or without bail.

29 (d) If, at the hearing, **A CIRCUIT COURT OR** the District Court finds that the
 30 probationer or defendant has violated a condition of probation, the [District Court]
 31 **COURT** may:

32 (1) revoke the probation granted or the suspension of sentence; and

1 (2) impose any sentence that might have originally been imposed for
2 the crime of which the probationer or defendant was convicted or pleaded nolo
3 contendere.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.