

# HOUSE BILL 1320

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11r3010

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By: **Delegate Olszewski (By Request)**

Introduced and read first time: March 3, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Plea Agreement Terms and the Violence Prevention**  
3 **Initiative Criteria**

4 FOR the purpose of establishing that, if a court accepts a certain plea agreement with  
5 a certain sentence for a certain defendant charged with committing a crime of  
6 violence, the defendant shall serve the sentence imposed without reduction by  
7 diminution credits, parole, or otherwise; establishing that a court or review  
8 panel may not modify a sentence imposed under a plea agreement in accordance  
9 with this Act; providing that the eligibility criteria for a certain program of  
10 collaborative supervision of high risk offenders by the Division of Parole and  
11 Probation and local law enforcement agencies be expanded to include offenders  
12 of any age; defining a certain term; and generally relating to the terms of a plea  
13 agreement and the criteria for the Violence Prevention Initiative.

14 BY adding to

15 Article – Criminal Procedure

16 Section 6–233

17 Annotated Code of Maryland

18 (2008 Replacement Volume and 2010 Supplement)

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

21 **Article – Criminal Procedure**

22 **6–233.**

23 **(A) IN THIS SECTION, “PLEA AGREEMENT” MEANS AN AGREEMENT**  
24 **BETWEEN A DEFENDANT OR A DEFENDANT’S ATTORNEY AND A STATE’S**  
25 **ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR**  
26 **CHARGES AND RECEIVE A SPECIFIED SENTENCE IN EXCHANGE FOR THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 STATE'S ATTORNEY'S RECOMMENDATION TO THE COURT THAT THE COURT  
2 ACCEPT THE PLEA AGREEMENT AND IMPOSE THE AGREED-UPON SENTENCE.

3 (B) THIS SECTION APPLIES TO THE SENTENCING OF A DEFENDANT FOR  
4 THE COMMISSION OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE  
5 CRIMINAL LAW ARTICLE.

6 (C) (1) NOTWITHSTANDING ANY OTHER LAW, IF A PLEA AGREEMENT  
7 IS ACCEPTED BY THE COURT, THE DEFENDANT SHALL SERVE THE SENTENCE  
8 IMPOSED WITHOUT REDUCTION BY DIMINUTION CREDITS, PAROLE, OR  
9 OTHERWISE.

10 (2) NOTWITHSTANDING ANY OTHER LAW, A COURT OR REVIEW  
11 PANEL MAY NOT MODIFY A SENTENCE IMPOSED UNDER A PLEA AGREEMENT IN  
12 ACCORDANCE WITH THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the eligibility criteria for  
14 the Violence Prevention Initiative under which high risk offenders are subject to  
15 increased collaborative supervision of the Division of Parole and Probation and local  
16 law enforcement agencies be expanded to include all age groups.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2011.