

# HOUSE BILL 154

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3lr0485

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By: **Delegates Anderson, Vallario, Carter, Conaway, Dumais, Glenn, and Smigiel**

Introduced and read first time: January 18, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court – Stay of Sentence Pending Appeal**

3 FOR the purpose of requiring the District Court, if a person is convicted of a crime in  
4 District Court, to stay any sentence imposed that includes an unserved,  
5 nonsuspended period of imprisonment for a certain period of time under certain  
6 circumstances; authorizing a defendant to waive a certain stay of sentence  
7 pending appeal; and generally relating to criminal appeals.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 12–401(h)

11 Annotated Code of Maryland

12 (2006 Replacement Volume and 2012 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 12–401.

17 **(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
18 **SUBSECTION, IF A PERSON IS CONVICTED OF A CRIME IN DISTRICT COURT, THE**  
19 **DISTRICT COURT SHALL STAY ANY SENTENCE IMPOSED THAT INCLUDES AN**  
20 **UNSERVED, NONSUSPENDED PERIOD OF IMPRISONMENT:**

21 **(I) UNTIL THE TIME FOR FILING AN APPEAL HAS EXPIRED;**

22 **AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   **(II) IF AN APPEAL IS FILED, DURING THE PENDENCY OF THE**  
2 **APPEAL.**

3                                   **(2) A DEFENDANT MAY WAIVE THE PROVISIONS OF PARAGRAPH**  
4 **(1) OF THIS SUBSECTION.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2013.