

SENATE BILL 140

E2

4lr0486

By: **Senator Conway**

Introduced and read first time: January 10, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Revision of Sentence – Timing of Motion**

3 FOR the purpose of authorizing a defendant who seeks a court to revise, modify, or
4 reduce a sentence to file a certain motion at any time; authorizing a court to
5 correct an illegal sentence or a sentence in case of fraud, mistake, or irregularity
6 at any time; authorizing a court to revise a sentence in a certain manner at any
7 time; requiring a decision that changes the original sentence to be in writing
8 and state the reasons for the decision; requiring the court to give a certain
9 notice to certain victims before revising, modifying, or reducing a sentence; and
10 generally relating to the revision of sentences.

11 BY adding to

12 Article – Criminal Procedure

13 Section 6–234

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2013 Supplement)

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

18 **Article – Criminal Procedure**

19 **6–234.**

20 **(A) A DEFENDANT MAY FILE A MOTION TO REVISE, MODIFY, OR REDUCE**
21 **A SENTENCE AT ANY TIME.**

22 **(B) THE COURT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) MAY CORRECT AN ILLEGAL SENTENCE OR A SENTENCE IN**
2 **CASE OF FRAUD, MISTAKE, OR IRREGULARITY AT ANY TIME; AND**

3 **(2) MAY REVISE ANY OTHER SENTENCE AT ANY TIME, EXCEPT**
4 **THAT THE COURT MAY NOT INCREASE THE SENTENCE.**

5 **(C) A DECISION THAT CHANGES THE ORIGINAL SENTENCE SHALL BE IN**
6 **WRITING AND STATE THE REASONS FOR THE DECISION.**

7 **(D) THE COURT SHALL NOTIFY ALL VICTIMS OF THE CRIME COMMITTED**
8 **BY THE DEFENDANT PRIOR TO REVISING, MODIFYING, OR REDUCING THE**
9 **SENTENCE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.