
By: Delegate Krysiak

Requested: September 19, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Plea Bargaining**

3 FOR the purpose of prohibiting plea bargaining in cases in which a criminal defendant is
4 charged with a certain crime if the defendant has been convicted of a certain crime;
5 defining a certain term; and generally relating to plea bargaining.

6 BY adding to
7 Article 27 - Crimes and Punishments
8 Section 592A
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1995 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 592A.

15 (A) IN THIS SECTION, "PLEA BARGAIN" MEANS:

16 (1) AN AGREEMENT BETWEEN THE DEFENDANT OR THE DEFENDANT'S
17 ATTORNEY AND THE PROSECUTOR THAT THE DEFENDANT WILL PLEAD GUILTY TO
18 A CHARGE OR CHARGES IN EXCHANGE FOR THE PROSECUTOR'S
19 RECOMMENDATION TO THE COURT OF A SENTENCE THAT IS LESS THAN THE
20 MAXIMUM PENALTY OR PENALTIES FOR THE CHARGE OR CHARGES;

21 (2) AN AGREEMENT BETWEEN THE DEFENDANT OR THE DEFENDANT'S
22 ATTORNEY AND THE PROSECUTOR THAT THE DEFENDANT WILL PLEAD GUILTY TO
23 A CHARGE OR CHARGES IN EXCHANGE FOR THE PROSECUTOR'S PROMISE TO MAKE
24 NO RECOMMENDATION TO THE COURT REGARDING THE SENTENCE;

25 (3) AN AGREEMENT BETWEEN THE DEFENDANT OR THE DEFENDANT'S
26 ATTORNEY AND THE PROSECUTOR THAT THE DEFENDANT WILL PLEAD GUILTY TO
27 A CHARGE OR CHARGES IN EXCHANGE FOR THE PROSECUTOR'S PROMISE TO ENTER
28 A NOLLE PROSEQUI TO A CHARGE OR CHARGES CARRYING GREATER STATUTORY
29 PENALTIES; OR

2

1 (4) AN AGREEMENT BETWEEN THE DEFENDANT OR THE DEFENDANT'S
2 ATTORNEY AND THE PROSECUTOR THAT THE DEFENDANT WILL PLEAD GUILTY TO
3 A CHARGE OR CHARGES IN EXCHANGE FOR THE PROSECUTOR'S PROMISE TO PLACE
4 A CHARGE OR CHARGES CARRYING GREATER STATUTORY PENALTIES ON THE STET
5 DOCKET.

6 (B) THE PROSECUTOR MAY NOT ENTER INTO A PLEA BARGAIN WITH A
7 DEFENDANT OR THE DEFENDANT'S ATTORNEY IF:

8 (1) THE DEFENDANT IS CHARGED WITH A CRIME OF VIOLENCE AS
9 DEFINED IN § 643B(A) OF THIS ARTICLE; AND

10 (2) THE DEFENDANT HAS BEEN CONVICTED OF A CRIME OF VIOLENCE
11 AS DEFINED IN § 643B(A) OF THIS ARTICLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.