
By: Delegates Faulkner, DeCarlo, Beck, Mossburg, Cryor, Snodgrass, Minnick, B. Hughes, Hecht, Morgan, Bobo, and Benson

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Plea Bargaining - Restrictions**

3 FOR the purpose of prohibiting a State's Attorney from entering into a plea bargain
4 agreement if the defendant is charged with certain crimes; defining a certain term;
5 providing for the construction of this Act; 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 AGREEMENT" MEANS AN AGREEMENT
16 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S
17 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR CHARGES
18 IN EXCHANGE FOR THE STATE'S ATTORNEY'S:

19 (1) RECOMMENDATIONS TO THE COURT OF A SENTENCE WHICH IS LESS
20 THAN THE MAXIMUM PENALTY OR PENALTIES FOR THE CHARGE OR CHARGES;

21 (2) PROMISE TO MAKE NO RECOMMENDATIONS TO THE COURT
22 REGARDING THE SENTENCE;

23 (3) PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE OR CHARGES
24 CARRYING GREATER STATUTORY PENALTIES; OR

25 (4) PROMISE TO PLACE A CHARGE OR CHARGES CARRYING GREATER
26 STATUTORY PENALTIES ON THE STET DOCKET.

27 (B) THE STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN
28 AGREEMENT IF THE DEFENDANT IS:

2

1 (1) CHARGED WITH A CRIME OF VIOLENCE, AS DEFINED IN § 643B OF
2 THIS ARTICLE, AND HAS BEEN CONVICTED ON A PRIOR OCCASION OF A CRIME OF
3 VIOLENCE; OR

4 (2) CHARGED WITH THE USE OF A HANDGUN IN THE COMMISSION OF A
5 FELONY OR A CRIME OF VIOLENCE, AS DEFINED IN § 36B(D) OF THIS ARTICLE.

6 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A DEFENDANT
7 FROM PLEADING GUILTY TO A CRIMINAL CHARGE, PROVIDED THAT THERE IS NO
8 PLEA BARGAIN AGREEMENT.

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