
By: Delegates Faulkner, Beck, B. Hughes, Leopold, DeCarlo, Minnick, Cryor, Jacobs, Morgan, Snodgrass, Ciliberti, M. Burns, O'Donnell, Stocksdale, Conroy, and Owings

Introduced and read first time: January 30, 1997

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 (1996 Replacement Volume)

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.

2

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.