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By: **Delegates Faulkner, DeCarlo, Ciliberti, M. Burns, Minnick, Morgan,  
Snodgrass, Beck, Leopold, B. Hughes, Mossburg, Cryor, Jacobs, and  
Owings**

Introduced and read first time: February 11, 1998  
Assigned to: Judiciary

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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  
5 term; providing for the construction of this Act; and generally relating to plea  
6 bargaining.

7 BY adding to  
8 Article 27 - Crimes and Punishments  
9 Section 592A  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 592A.

16 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT  
17 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S  
18 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR CHARGES  
19 IN EXCHANGE FOR THE STATE'S ATTORNEY'S:

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

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

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

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

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

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

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

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

13    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 1998.