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By: **Delegate Valderrama**  
Introduced and read first time: February 19, 1998  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Plea Bargain Agreements - Justification - Presentence Proceedings**

3 FOR the purpose of requiring a State's Attorney to submit to a court a written reason  
4 and justification for a plea bargain agreement if the defendant is charged with  
5 certain crimes; requiring the court to order certain presentence proceedings and  
6 investigations if the defendant is charged with certain crimes; requiring the  
7 court to defer its decision as to its approval or rejection of the plea bargain  
8 agreement until it has reviewed certain reports; defining the term "plea bargain  
9 agreement"; and generally relating to plea bargain agreements and presentence  
10 proceedings.

11 BY adding to  
12 Article 27 - Crimes and Punishments  
13 Section 592A  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 592A.

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

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

26 (2) PROMISE TO MAKE NO RECOMMENDATIONS TO THE COURT  
27 REGARDING THE SENTENCE;

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

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

5 (B) THE STATE'S ATTORNEY, PRIOR TO PRESENTING A PLEA BARGAIN  
6 AGREEMENT, SHALL SUBMIT TO THE COURT A WRITTEN REASON AND  
7 JUSTIFICATION FOR ENTERING INTO THE AGREEMENT IF THE DEFENDANT IS  
8 CHARGED WITH:

9 (1) A CRIME OF VIOLENCE, AS DEFINED IN § 643B OF THIS ARTICLE; OR

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

12 (C) (1) THE COURT, PRIOR TO ACCEPTING OR REJECTING A PLEA BARGAIN  
13 AGREEMENT, SHALL ORDER PRESENTENCE PROCEEDINGS AND INVESTIGATIONS IF  
14 THE DEFENDANT IS CHARGED WITH A CRIME THAT IS LISTED IN SUBSECTION (B) OF  
15 THIS SECTION.

16 (2) THE COURT SHALL DEFER ITS DECISION ON WHETHER TO ACCEPT  
17 OR REJECT A PLEA BARGAIN AGREEMENT UNTIL IT HAS REVIEWED A PRESENTENCE  
18 OR OTHER INVESTIGATIVE REPORT.

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