

**HOUSE BILL 81**

Emergency Bill

Unofficial Copy

E2

2000 Regular Session

0lr0394

CF 0lr0376

(PRE-FILED)

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By: **Delegates Dembrow, Gordon, O'Donnell, Cadden, and Giannetti**

Requested: August 16, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Sentencing - Confinement as a Condition of Probation**

3 FOR the purpose of expanding the authority of the courts throughout the State to  
4 impose a sentence of confinement as a condition of probation; making this Act an  
5 emergency measure; and generally relating to the authority of the courts to  
6 impose a sentence of confinement as a condition of probation.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 641(a) and 641A(a)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1999 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**

15 641.

16 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo  
17 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if  
18 satisfied that the best interests of the person and the welfare of the people of the  
19 State would be served thereby, and with the written consent of the person after  
20 determination of guilt or acceptance of a nolo contendere plea, may stay the entering  
21 of judgment, defer further proceedings, and place the person on probation subject to  
22 reasonable terms and conditions as appropriate. The terms and conditions may  
23 include ordering the person to pay a fine or pecuniary penalty to the State, or to make  
24 restitution, but before the court orders a fine, pecuniary penalty, or restitution the  
25 person is entitled to notice and a hearing to determine the amount of the fine,  
26 pecuniary penalty, or restitution, what payment will be required, and how payment  
27 will be made. The terms and conditions also may include any type of rehabilitation  
28 program or clinic, or similar program, or the parks program or voluntary hospital  
29 program.



1 a stay of entry of judgment, the person waives the right to appeal from the judgment  
2 of guilt by the court at any time.

3 641A.

4 (a) (1) Upon entering a judgment of conviction, the court having jurisdiction  
5 may suspend the imposition or execution of sentence and place the defendant on  
6 probation upon such terms and conditions as the court deems proper.

7 (2) [In Charles County, St. Mary's County, Cecil County, Harford County,  
8 and Calvert County, the] THE court may impose as a condition of probation a  
9 sentence of confinement.

10 (3) The court may impose a sentence for a specified period and provide  
11 that a lesser period be served in confinement, suspend the remainder of the sentence  
12 and grant probation for a period longer than the sentence but not in excess of 5 years.

13 (4) However, if the defendant consents in writing, the court may grant  
14 probation in excess of 5 years, but only for purposes of making restitution.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
16 measure, is necessary for the immediate preservation of the public health and safety,  
17 has been passed by a ye and nay vote supported by three-fifths of all the members  
18 elected to each of the two Houses of the General Assembly, and shall take effect from  
19 the date it is enacted.