
By: **Delegate Brown**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing - Revisory Power of the Court**

3 FOR the purpose of restricting revisory power and control of courts over sentencing
4 under certain circumstances; requiring the court to modify, reduce, correct, or
5 vacate a sentence on the record and after notice to certain persons and an
6 opportunity for certain persons to be heard; authorizing certain persons to file
7 an application for leave to appeal to the Court of Special Appeals; clarifying that
8 certain actions are exempted from this Act; and generally relating to the
9 revisory power of the court in sentencing.

10 BY adding to
11 Article 27 - Crimes and Punishments
12 Section 643D
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 643D.

19 (A) EXCEPT AS PROVIDED IN §§ 645JA THROUGH 645JG OF THIS ARTICLE, THE
20 COURT RETAINS REVISORY POWER AND CONTROL OVER A SENTENCE:

21 (1) FOR A CRIME OF VIOLENCE AS DEFINED IN § 643B(A) OF THIS
22 ARTICLE, REGARDLESS OF THE AMOUNT OF TIME SINCE THE IMPOSITION OF
23 SENTENCE:

24 (I) WHEN FRAUD, MISTAKE, OR IRREGULARITY HAVE OCCURRED;
25 OR

26 (II) TO CORRECT AN ILLEGAL SENTENCE; AND

1 (2) FOR ALL OTHER CRIMES, WITHIN 1 YEAR OF THE IMPOSITION OF
2 SENTENCE.

3 (B) THE COURT SHALL MODIFY, REDUCE, CORRECT, OR VACATE A SENTENCE
4 ON THE RECORD, AFTER NOTICE TO ALL PARTIES AND AN OPPORTUNITY FOR EACH
5 TO BE HEARD.

6 (C) A PARTY TO A CRIMINAL PROCEEDING IN WHICH THE COURT MODIFIED,
7 REDUCED, CORRECTED, OR VACATED A SENTENCE PURSUANT TO THIS SECTION MAY
8 FILE AN APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SPECIAL APPEALS.

9 (D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE COURT
10 FROM REVOKING THE SUSPENSION OF A SENTENCE OR PROBATION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2000.