

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 884 (Delegate Brown)

Judiciary

Sentencing - Revisory Power of the Court

This bill provides that the court retain revisory power and control over a sentence:

- for a crime of violence, regardless of the amount of time since the imposition of sentence, when fraud, mistake, or irregularity have occurred, or to correct an illegal sentence; and
- for all other crimes, within one year of the imposition of sentence.

The court must modify, reduce, correct, or vacate a sentence on the record, after notice to all parties and an opportunity for each to be heard. A party to a criminal proceeding in which the court modified, reduced, corrected, or vacated a sentence pursuant to the bill may file an application for leave to appeal to the Court of Special Appeals.

Fiscal Summary

State Effect: The bill is not expected to significantly impact governmental operations or finances.

Local Effect: The bill is not expected to significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: Pursuant to the Maryland Rules, the court may correct an illegal sentence at any time. The court has revisory power and control over a sentence upon a motion filed within 90 days after its imposition:

- in the District Court, if an appeal has not been perfected; and
- in a circuit court, whether or not an appeal has been filed.

Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding. The court may modify, reduce, correct, or vacate a sentence on the record only after notice to the parties and an opportunity for each to be heard.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Maryland State's Attorneys' Association, Department of Legislative Services

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drg/jr

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