

BY: Delegate Brown

AMENDMENTS TO HOUSE BILL NO. 1350, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

In the House Judiciary Committee Amendments (HB1350/252315/1), strike Amendment Nos. 1 and 2 in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike line 2 in its entirety and substitute "Sentencing - Revisory Power of Courts - Limitations"; strike in their entirety lines 3 through 10, inclusive, and substitute:

"FOR the purpose of authorizing a defendant who seeks a court to revise, modify, or reduce a sentence to file a certain motion within a certain period; limiting to a certain period the revisory power of courts over sentencing under certain circumstances; providing that a court retains revisory power over a sentence under certain circumstances; requiring a decision that changes the original sentence to be in writing and state the reasons for the decision; allowing a motion to revise, modify, or reduce the sentence to be filed at any time in a case involving an illegal sentence, fraud, a mistake, or an irregularity, or by or with the consent of a prosecutor; and generally relating to the revisory power of a court in sentencing."

and strike in their entirety lines 11 through 15, inclusive, and substitute:

"BY adding to

Article - Criminal Procedure

Section 6-229

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through

(Over)

line 14 on page 2, inclusive, and substitute:

“Article - Criminal Procedure

6-229.

(A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A DEFENDANT MAY FILE A MOTION TO REVISE, MODIFY, OR REDUCE A SENTENCE WITHIN 90 DAYS AFTER THE SENTENCE IS IMPOSED.

(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE COURT RETAINS REVISORY POWER OVER THE SENTENCE FOR 1 YEAR AFTER THE FILING OF THE MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE.

(2) A COURT MAY RETAIN REVISORY POWER OVER A SENTENCE IF, AT THE TIME OF SENTENCING, THE COURT STATES ON THE RECORD:

(I) THE INTENTION OF THE COURT TO RETAIN REVISORY POWER OVER THE SENTENCE;

(II) THE REASONS WHY THE COURT INTENDS TO RETAIN REVISORY POWER OVER THE SENTENCE; AND

(III) THE PERIOD OF TIME DURING WHICH THE COURT INTENDS TO RETAIN REVISORY POWER OVER THE SENTENCE.

(C) A DECISION THAT CHANGES THE ORIGINAL SENTENCE SHALL BE IN WRITING AND STATE THE REASONS FOR THE DECISION.

(D) A MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE MAY BE FILED AT ANY TIME:

(1) IN A CASE INVOLVING AN ILLEGAL SENTENCE, FRAUD, MISTAKE, OR IRREGULARITY; OR

(2) WITH THE CONSENT OF A PROSECUTOR OR BY A PROSECUTOR

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ON BEHALF OF A DEFENDANT.”.