
By: **Delegates Giannetti, Turner, Valderrama, Griffith, and Vallario**
Introduced and read first time: February 8, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Confinement as a Condition of Probation or**
3 **Suspension of Sentence**

4 FOR the purpose of expanding the authority of the courts throughout the State to
5 impose a sentence of confinement as a condition of probation or suspension of
6 sentence; and generally relating to the authority of the courts to impose a
7 sentence of confinement as a condition of probation or suspension of sentence.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 6-219(a) and (c), 6-220(a), and 6-225(c)
11 Annotated Code of Maryland
12 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
13 2001)

14 BY repealing
15 Article - Criminal Procedure
16 Section 6-220(g)
17 Annotated Code of Maryland
18 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
19 2001)

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

22 **Article - Criminal Procedure**

23 6-219.

24 (a) Subject to subsection (b) of this section, a court:

25 (1) may suspend a sentence generally or for a definite time;

1 (2) may pass orders and impose terms as to costs, recognizance for
2 appearance, or matters relating to the residence or conduct of the defendant who is
3 convicted as may be deemed proper; or

4 (3) [if the defendant who is convicted is under 18 years of age,] may
5 order confinement in any care or custody as may be deemed proper.

6 (c) [(1) In Calvert County, Charles County, and St. Mary's County,] the court
7 may impose a sentence of confinement as a condition of probation.

8 [(2)] (D) In Prince George's County, the court on conviction may sentence
9 a defendant to the local correctional facility or place of confinement under the
10 jurisdiction of the sheriff, if:

11 [(i)] (1) the sentence is to be performed during any 48-hour period
12 in a 7-day period, with each period of confinement to be not less than 2 days of the
13 sentence imposed;

14 [(ii)] (2) the crime leading to the conviction allows confinement in
15 the local correctional facility; and

16 [(iii)] (3) the total sentence does not exceed 30 two-day periods of
17 confinement.

18 6-220.

19 (a) (1) When a defendant pleads guilty or nolo contendere or is found guilty
20 of a crime, a court may stay the entering of judgment, defer further proceedings, and
21 place the defendant on probation subject to reasonable conditions if:

22 (i) the court is satisfied that the best interests of the defendant
23 and the public welfare would be served; and

24 (ii) the defendant gives written consent after determination of guilt
25 or acceptance of a nolo contendere plea.

26 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions
27 may include an order that the defendant:

28 (i) pay a fine or monetary penalty to the State or make restitution;
29 [or]

30 (ii) participate in a rehabilitation program, the parks program, or a
31 voluntary hospital program; OR

32 (III) SERVE A SENTENCE OF CONFINEMENT.

33 (3) Before the court orders a fine, monetary penalty, or restitution, the
34 defendant is entitled to notice and a hearing to determine the amount of the fine,
35 monetary penalty, or restitution, what payment will be required, and how payment
36 will be made.

1 (4) Any fine or monetary penalty imposed as a condition of probation
2 shall be within the amount set by law for a violation resulting in conviction.

3 [(g) In Allegany County, Calvert County, Charles County, Garrett County,
4 Howard County, and St. Mary's County, the court may impose a sentence of
5 confinement as a condition of probation.]

6 6-225.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2001.