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By: **Delegates Giannetti, Turner, Valderrama, Griffith, and Vallario**  
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Assigned to: Judiciary

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Committee Report: Favorable  
House action: Adopted with floor amendments  
Read second time: March 6, 2001

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CHAPTER \_\_\_\_\_

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:

1 **Article - Criminal Procedure**

2 6-219.

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

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

5 (2) may pass orders and impose terms as to costs, recognizance for  
6 appearance, or matters relating to the residence or conduct of the defendant who is  
7 convicted as may be deemed proper; or8 (3) [if the defendant who is convicted is under 18 years of age,] may  
9 order confinement in any care or custody as may be deemed proper.10 (c) [(1) In Calvert County, Charles County, and St. Mary's County,] ~~the~~ THE  
11 court may impose a sentence of confinement as a condition of probation.12 [(2)] (D) In Prince George's County, the court on conviction may sentence  
13 a defendant to the local correctional facility or place of confinement under the  
14 jurisdiction of the sheriff, if:15 [(i)] (1) the sentence is to be performed during any 48-hour period  
16 in a 7-day period, with each period of confinement to be not less than 2 days of the  
17 sentence imposed;18 [(ii)] (2) the crime leading to the conviction allows confinement in  
19 the local correctional facility; and20 [(iii)] (3) the total sentence does not exceed 30 two-day periods of  
21 confinement.

22 6-220.

23 (a) (1) When a defendant pleads guilty or nolo contendere or is found guilty  
24 of a crime, a court may stay the entering of judgment, defer further proceedings, and  
25 place the defendant on probation subject to reasonable conditions if:26 (i) the court is satisfied that the best interests of the defendant  
27 and the public welfare would be served; and28 (ii) the defendant gives written consent after determination of guilt  
29 or acceptance of a nolo contendere plea.30 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions  
31 may include an order that the defendant:

32 (i) pay a fine or monetary penalty to the State or make restitution;

33 [or]

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

3 (III) SERVE A SENTENCE OF CONFINEMENT.

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

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

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

13 6-225.

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

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