
By: **Delegates Marriott, Benson, Gladden, V. Jones, Kirk, Paige, Phillips,
and Rawlings**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sentencing Court - Revisory Power and Control Over**
3 **Criminal Sentence**

4 FOR the purpose of specifying that a sentencing court has continued revisory power
5 and control over a criminal sentence in certain circumstances; prohibiting the
6 sentencing court from increasing a criminal sentence after the announcement of
7 the sentence; providing an exception to the prohibition; and generally relating to
8 the revisory power and control of a sentencing court over a criminal sentence.

9 BY adding to
10 Article - Criminal Procedure
11 Section 6-229
12 Annotated Code of Maryland
13 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
14 2001)

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

17 **Article - Criminal Procedure**

18 6-229.

19 (A) THE SENTENCING COURT HAS CONTINUING REVISORY POWER AND
20 CONTROL OVER A CRIMINAL SENTENCE IN A CASE IN WHICH THE SENTENCE
21 IMPOSED IS 10 YEARS OR GREATER AND CHANGES THAT MAY HAVE AFFECTED THE
22 ORIGINAL SENTENCE HAVE OCCURRED IN:

23 (1) CONFINEMENT POLICY;

24 (2) PAROLE STATUS;

25 (3) EXECUTIVE DECISIONS; OR

26 (4) STATUTORY PENALTIES.

1 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
2 SENTENCING COURT MAY NOT INCREASE A CRIMINAL SENTENCE AFTER THE
3 SENTENCE HAS BEEN IMPOSED.

4 (2) THE SENTENCING COURT MAY CORRECT AN EVIDENT MISTAKE IN A
5 CRIMINAL SENTENCE AFTER THE ANNOUNCEMENT OF THE SENTENCE IF THE
6 CORRECTION IS MADE ON THE RECORD BEFORE THE DEFENDANT LEAVES THE
7 COURTROOM FOLLOWING THE SENTENCING PROCEEDING.

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