

SENATE BILL 65

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2002 Regular Session
2lr0402

(PRE-FILED)

By: **Senators Baker and Middleton**

Requested: September 5, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement - Criminal Contempt - Right to Jury Trial**

3 FOR the purpose of providing an exception to the statutory right to a jury trial in
4 certain criminal cases; establishing that the defendant in a prosecution for
5 constructive criminal contempt for failure to pay court-ordered child support is
6 not entitled to a jury trial under certain circumstances; providing for the
7 application of this Act; and generally relating to the right to a jury trial in
8 certain criminal cases.

9 BY repealing and reenacting, with amendments,

10 Article - Criminal Procedure

11 Section 6-101

12 Annotated Code of Maryland

13 (2001 Volume)

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

16 **Article - Criminal Procedure**

17 6-101.

18 (A) In a criminal case tried in a court of general jurisdiction, there is no right
19 to a jury trial unless:

20 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, the
21 crime charged is subject to a penalty of imprisonment; or

22 (2) there is a constitutional right to a jury trial for the crime.

23 (B) IN A PROSECUTION FOR CONSTRUCTIVE CRIMINAL CONTEMPT FOR
24 FAILURE TO PAY COURT-ORDERED CHILD SUPPORT, THE DEFENDANT IS NOT
25 ENTITLED TO A JURY TRIAL IF:

1 (1) THE PROSECUTOR RECOMMENDS THAT THE COURT NOT IMPOSE A
2 PENALTY OF IMPRISONMENT FOR A PERIOD IN EXCESS OF 180 DAYS; AND

3 (2) THE COURT AGREES NOT TO IMPOSE A PENALTY OF IMPRISONMENT
4 IN EXCESS OF 180 DAYS.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any proceeding for constructive criminal contempt
8 initiated before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2002.