

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2002

CHAPTER _____

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

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

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

5 (1) THE PROSECUTOR RECOMMENDS THAT THE COURT NOT IMPOSE A
6 PENALTY OF IMPRISONMENT FOR A PERIOD IN EXCESS OF ~~180~~ 179 DAYS; AND

7 (2) THE COURT AGREES NOT TO IMPOSE A PENALTY OF IMPRISONMENT
8 IN EXCESS OF ~~180~~ 179 DAYS.

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

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