

SENATE BILL 73

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SB 632/01 - JPR

2002 Regular Session
2lr0492

(PRE-FILED)

By: **Senators Van Hollen and Roesser**
Requested: September 24, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing - Revisory Power of Courts - Limitations**

3 FOR the purpose of authorizing a defendant who seeks a court to revise, modify, or
4 reduce a sentence to file a certain motion within a certain period; limiting to a
5 certain period the revisory power of courts over sentencing; requiring a decision
6 that changes the original sentence to be in writing and state the reasons for the
7 decision; allowing a motion to revise, modify, or reduce the sentence to be filed at
8 any time in a case involving an illegal sentence, fraud, a mistake, or an
9 irregularity; and generally relating to the revisory power of a court in
10 sentencing.

11 BY adding to
12 Article - Criminal Procedure
13 Section 6-229
14 Annotated Code of Maryland
15 (2001 Volume)

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

18 **Article - Criminal Procedure**

19 6-229.

20 (A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
21 DEFENDANT MAY FILE A MOTION TO REVISE, MODIFY, OR REDUCE A SENTENCE
22 WITHIN 90 DAYS AFTER THE SENTENCE IS IMPOSED.

23 (B) THE COURT RETAINS REVISORY POWER OVER THE SENTENCE FOR 1 YEAR
24 AFTER THE FILING OF THE MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE.

25 (C) A DECISION THAT CHANGES THE ORIGINAL SENTENCE SHALL BE IN
26 WRITING AND STATE THE REASONS FOR THE DECISION.

1 (D) A MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE MAY BE FILED
2 AT ANY TIME IN A CASE INVOLVING AN ILLEGAL SENTENCE, FRAUD, A MISTAKE, OR
3 AN IRREGULARITY.

4 (E) THE COURT SHALL NOTIFY ALL VICTIMS OF THE CRIME COMMITTED BY
5 THE DEFENDANT PRIOR TO REVISING, MODIFYING, OR REDUCING THE SENTENCE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2002.