

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 859

(Senators Green and Miller)

Judicial Proceedings

Judiciary

Criminal Procedure - Probation Before Judgment - Prince George's County

This bill includes Prince George's County as a county in which the court is authorized to impose a sentence of imprisonment as a condition of probation before judgment.

Fiscal Summary

State Effect: None.

Local Effect: Minimal. This bill is not expected to significantly affect the operations or finances of Prince George's County.

Small Business Effect: None.

Analysis

Current Law: The authority of a court to impose a term of imprisonment as a condition of a probation before judgment is currently available to a court in Allegany, Calvert, Charles, Garrett, Howard, and St. Mary's counties. This authority applicable to probation following judgment is currently available to a court in Charles, St. Mary's, Cecil, Harford, and Calvert counties. This authority applicable to a suspended sentence is available to a court in Calvert, Charles, and St. Mary's counties.

Background: Chapter 356 of 2001 expanded statewide the authority of the courts to impose "custodial confinement" as a condition of a suspended sentence, probation before judgment, or probation following judgment. Any time served by an individual in

custodial confinement must be credited against any sentence of incarceration imposed by the court if the individual violates a term or condition of probation.

Chapter 356 defined custodial confinement as home detention, certain correctional options programs, or inpatient drug or alcohol treatment under existing provisions governing court ordered evaluations and voluntary treatment. The definition specifically excluded imprisonment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2002
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