

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 428

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Imprisonment” and substitute “Custodial Confinement”; in lines 2 and 3, strike “Before Judgment” and substitute “or Suspension of Sentence”; strike beginning with “to” in line 4 down through “judgment” in line 6 and substitute “the authority of the courts throughout the State to impose a sentence of custodial confinement or imprisonment as a condition of probation or suspension of sentence”; strike beginning with “conditions” in line 10 down through “judgment” in line 11 and substitute “the authority of the courts to impose a sentence of custodial confinement or imprisonment as a condition of probation or suspension of sentence”; after line 11, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 6-219(a), (b), (d), and (e), 6-220(a) and (b), and 6-225(d)

Annotated Code of Maryland

(2001 Volume and 2002 Supplement)”;

and in line 12, strike “and reenacting, with amendments,”.

AMENDMENT NO. 2

On page 1, in line 20, strike “6-220.” and substitute:

“6-219.

(a) [(1)] In this section, “custodial confinement” means:

[(i)] (1) home detention;

(Over)

[(ii)] (2) a corrections options program established under law which requires the individual to participate in home detention, inpatient treatment, or other similar program involving terms and conditions that constitute the equivalent of confinement; or

[(iii)] (3) inpatient drug or alcohol treatment.

[(2) “Custodial confinement” does not include imprisonment.]

(b) Subject to subsection (c) of this section, a court:

(1) may suspend a sentence generally or for a definite time;

(2) may pass orders and impose terms as to costs, recognizance for appearance, or matters relating to the residence or conduct of the defendant who is convicted as may be deemed proper;

(3) [if the defendant who is convicted is under 18 years of age,] may order confinement in any care or custody as may be deemed proper; or

(4) may order a person to a term of custodial confinement as a condition of a suspended sentence.

(d) [(1) In Calvert County, Charles County, and St. Mary’s County, the] THE court may impose a sentence of imprisonment as a condition of probation.

[(2)] (E) In Prince George’s County, the court on conviction may sentence a defendant to the local correctional facility, if:

[(i)] (1) the sentence is to be performed during any 48-hour period in a 7-day period, with each period of confinement to be not less than 2 days of the sentence imposed;

[(ii)] (2) the crime leading to the conviction allows confinement in the local correctional facility; and

[(iii)] (3) the total sentence does not exceed 30 2-day periods of confinement.

[(e)] (F) If an individual violates the terms of probation, any time served by the individual in custodial confinement shall be credited against any sentence of incarceration imposed by the court.

6-220.

(a) [(1)] In this section, “custodial confinement” means:

[(i)] (1) home detention;

[(ii)] (2) a corrections options program established under law which requires the individual to participate in home detention, inpatient treatment, or other similar program involving terms and conditions that constitute the equivalent of confinement; or

[(iii)] (3) inpatient drug or alcohol treatment.

[(2) “Custodial confinement” does not include imprisonment.]

(b) (1) When a defendant pleads guilty or nolo contendere or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:

(i) the court finds that the best interests of the defendant and the public welfare would be served; and

(ii) the defendant gives written consent after determination of guilt or acceptance of a nolo contendere plea.

(2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:

(Over)

(i) pay a fine or monetary penalty to the State or make restitution; or

(ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program.

(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.

(4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction.

(5) As a condition of probation, the court may order a person to a term of custodial confinement OR IMPRISONMENT.

[(h) In Allegany County, Calvert County, Charles County, Garrett County, Howard County, and St. Mary's County, the court may impose a sentence of imprisonment as a condition of probation.]

6-225.

[(d) [In Calvert County, Cecil County, Charles County, Harford County, and St. Mary's County, the] THE court may impose a sentence of CUSTODIAL CONFINEMENT OR imprisonment as a condition of probation.".]

On page 4, strike in their entirety lines 8 and 9.