
By: **Delegate Simmons**
Introduced and read first time: January 29, 2003
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 25, 2003

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Extension of Probation - Payment of Restitution**

3 FOR the purpose of ~~removing a requirement that a defendant must consent in writing~~
4 ~~before a court can extend the~~ authorizing a circuit court or the District Court to
5 extend for certain periods a defendant's probation beyond a certain time period
6 if the extension is only for making restitution; providing that a certain extension
7 of probation may be unsupervised or supervised by the Division of Parole and
8 Probation; altering the period beyond which a court may extend a defendant's
9 probation for the purpose of making restitution where the defendant consents to
10 the extension in writing; and generally relating to probation and restitution.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Procedure
13 Section 6-222
14 Annotated Code of Maryland
15 (2001 Volume and 2002 Supplement)

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 6-222.

20 (a) A circuit court or the District Court may:

21 (1) impose a sentence for a specified time and provide that a lesser time
22 be served in confinement;

1 (2) suspend the remainder of the sentence; and

2 (3) order probation for a time longer than the sentence but, SUBJECT TO
3 SUBSECTIONS (B) AND (C) OF THIS SECTION, not longer than:

4 (i) 5 years if the probation is ordered by a circuit court; or

5 (ii) 3 years if the probation is ordered by the District Court.

6 (b) (1) ONLY FOR THE PURPOSE OF MAKING RESTITUTION, THE COURT MAY
7 EXTEND THE PROBATION BEYOND THE TIME ALLOWED UNDER SUBSECTION (A) OF
8 THIS SECTION FOR:

9 (I) AN ADDITIONAL 5 YEARS IF THE PROBATION IS ORDERED BY A
10 CIRCUIT COURT; OR

11 (II) AN ADDITIONAL 3 YEARS IF THE PROBATION IS ORDERED BY
12 THE DISTRICT COURT.

13 (2) AN EXTENSION OF PROBATION UNDER THIS SUBSECTION MAY BE
14 UNSUPERVISED OR SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION.

15 (C) The court may extend the probation beyond the time allowed under
16 subsection ~~(a)~~ (B) of this section if:

17 (1) the defendant consents in writing; and

18 (2)} the extension is only for making restitution.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2003.