

SENATE BILL 407

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2003 Regular Session
3r1985
CF 3r1068

By: **Senator Jimeno**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 26, 2003

CHAPTER_____

1 AN ACT concerning

2 **Courts - Criminal Cases - State's Right of Appeal**

3 FOR the purpose of authorizing the State to appeal from a final judgment in a
4 criminal case if the State alleges that the trial judge imposed or modified a
5 sentence in violation of the Maryland Rules; providing for the application of this
6 Act; and generally relating to the State's right to appeal from a final judgment
7 in a criminal case.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 12-302(c)(2)
11 Annotated Code of Maryland
12 (2002 Replacement Volume)

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

15 **Article - Courts and Judicial Proceedings**

16 12-302.

17 (c) In a criminal case, the State may appeal as provided in this subsection.

18 (2) The State may appeal from a final judgment if the State alleges that
19 the trial judge ~~failed~~:

20 (I) FAILED to impose the sentence specifically mandated by the
21 Code; OR

1 (II) IMPOSED OR MODIFIED A SENTENCE IN VIOLATION OF THE
2 MARYLAND RULES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
4 any appeal pending or filed by the State on or after the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2003.