

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 463

(Prince George's County Delegation)

Judiciary

Judicial Proceedings

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**Prince George's County - Criminal Procedure - Probation Before Judgment**  
**PG 308-03**

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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.

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**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.

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**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. Under provisions relating to a suspended sentence, a court in Calvert, Charles, and St. Mary's counties may impose imprisonment as a condition of probation.

**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. The definition specifically excluded imprisonment.

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### **Additional Information**

**Prior Introductions:** In 2002, a similar bill (SB 859) passed the Senate, had a hearing before the House Judiciary Committee, and no further action taken on it.

**Cross File:** None.

**Information Source(s):** Prince George's County, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2003  
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