

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 204

(Howard County Delegation)

Judiciary

Judicial Proceedings

Howard County - Probation After Judgment - Imprisonment
Ho. Co. 5-03

This bill authorizes a court in Howard County to impose a sentence of imprisonment as a condition of probation after judgment.

Fiscal Summary

State Effect: None.

Local Effect: Minimal. This bill is not expected to significantly affect the operations or finances of Howard County.

Small Business Effect: None.

Analysis

Current Law: A circuit court or the District Court may: (1) impose a criminal sentence for a specified time and provide that a lesser time be served in confinement; (2) suspend the remainder of the sentence; and (3) order probation for a time longer than the sentence, not to exceed five years if ordered by a circuit court or three years if ordered by the District Court. The time of probation may be extended beyond these limits only for making restitution and only if the defendant consents in writing.

If a sentence of imprisonment is imposed and a part of it is suspended with the defendant placed on probation, the court may impose as a condition of probation that the probation begin on the day the defendant is released from imprisonment. In Calvert County, Cecil

County, Charles County, Harford County, and St. Mary's County, the court may impose a sentence of imprisonment as a condition of such a 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Parole and Probation), Department of Legislative Services

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