

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 28

(Senators Green and Miller)

Judicial Proceedings

Judiciary

Prince George's County - Criminal Procedure - Probation Before Judgment

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.

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.

Analysis

Current Law: The authority to impose a term of imprisonment as a condition of 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. This authority applicable to a suspended sentence is available to a court in Calvert, Charles, and St. Mary's counties.

In Prince George's County, the court on conviction may sentence a defendant to the local correctional facility for a suspended sentence, if: (1) the sentence is to be performed during any 48-hour period in a seven-day period, with each period of confinement to be not less than two days of the sentence imposed; (2) the crime leading to the conviction

allows confinement in the local correctional facility; and (3) the total sentence does not exceed 30 two-day periods of confinement.

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 under existing provisions governing court-ordered evaluations and voluntary treatment. The definition specifically excluded imprisonment.

Additional Information

Prior Introductions: A similar bill, SB 859, was introduced in 2002. That bill passed the Senate, had a hearing before the House Judiciary Committee, and had no further action taken on it.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2003
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