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By: **Delegates Barkley, Brown, and Sophocleus**  
Introduced and read first time: January 30, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing - Revisory Power of Courts - Limitations**

3 FOR the purpose of authorizing a defendant who seeks a court to revise, modify, or  
4 reduce a sentence to file a certain motion within a certain period; limiting to a  
5 certain period the revisory power of courts over sentencing; requiring a decision  
6 that changes the original sentence to be in writing and state the reasons for the  
7 decision; allowing a motion to revise, modify, or reduce the sentence to be filed at  
8 any time in a case involving an illegal sentence, fraud, a mistake, or an  
9 irregularity; and generally relating to the revisory power of a court in  
10 sentencing.

11 BY adding to  
12 Article - Criminal Procedure  
13 Section 6-229  
14 Annotated Code of Maryland  
15 (2001 Volume and 2003 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 6-229.

20 (A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A  
21 DEFENDANT MAY FILE A MOTION TO REVISE, MODIFY, OR REDUCE A SENTENCE  
22 WITHIN 90 DAYS AFTER THE SENTENCE IS IMPOSED.

23 (B) THE COURT RETAINS REVISORY POWER OVER THE SENTENCE FOR 5  
24 YEARS AFTER THE FILING OF THE MOTION TO REVISE, MODIFY, OR REDUCE THE  
25 SENTENCE.

26 (C) A DECISION THAT CHANGES THE ORIGINAL SENTENCE SHALL BE IN  
27 WRITING AND STATE THE REASONS FOR THE DECISION.

1 (D) A MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE MAY BE FILED  
2 AT ANY TIME IN A CASE INVOLVING AN ILLEGAL SENTENCE, FRAUD, A MISTAKE, OR  
3 AN IRREGULARITY.

4 (E) THE COURT SHALL NOTIFY ALL VICTIMS OF THE CRIME COMMITTED BY  
5 THE DEFENDANT PRIOR TO REVISING, MODIFYING, OR REDUCING THE SENTENCE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 2004.