

HOUSE BILL 615

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E2

2004 Regular Session  
4r1660  
CF 4r1661

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By: **Chairman, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: February 4, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - De Novo Review - Criminal Appeals**

3 FOR the purpose of denying the right to a jury trial in a certain criminal appeal  
4 unless the offense charged is subject to a certain penalty of imprisonment or  
5 unless there is a certain constitutional right to a jury trial; providing for the  
6 application of this Act; and generally relating to jury trials in criminal appeals.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 12-401(g)  
10 Annotated Code of Maryland  
11 (2002 Replacement Volume and 2003 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-401.

16 (g) In a criminal appeal that is tried de novo, there is no right to a jury trial  
17 unless the offense charged is subject to a penalty of imprisonment OF MORE THAN 90  
18 DAYS or unless there is a constitutional right to a jury trial for that offense.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
20 construed to apply only prospectively and may not be applied or interpreted to have  
21 any effect on or application to any effect on appeals arising out of offenses committed  
22 before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2004.