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By: **Senator Brochin**

Introduced and read first time: January 21, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sexual Crimes Involving a Minor - Term of Probation**

3 FOR the purpose of authorizing a court to order probation for a certain length of time  
4 for a defendant convicted of certain sexual abuse or sexual offense crimes  
5 involving a minor; and generally relating to probation for defendants convicted  
6 of certain crimes.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Procedure  
9 Section 6-222  
10 Annotated Code of Maryland  
11 (2001 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 - Criminal Procedure**

15 6-222.

16 (a) A circuit court or the District Court may:

17 (1) impose a sentence for a specified time and provide that a lesser time  
18 be served in confinement;

19 (2) suspend the remainder of the sentence; and

20 (3) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, order  
21 probation for a time longer than the sentence but, subject to subsections (b) and (c) of  
22 this section, not longer than:

23 [(i)] 1. 5 years if the probation is ordered by a circuit court; or

24 [(ii)] 2. 3 years if the probation is ordered by the District Court;

25 OR

1 (II) ORDER THE PROBATION FOR A TIME LONGER THAN THE  
2 SENTENCE FOR A DEFENDANT CONVICTED OF SEXUAL ABUSE OF A MINOR UNDER §  
3 3-602 OF THE CRIMINAL LAW ARTICLE OR A CRIME INVOLVING A MINOR UNDER §§  
4 3-303 THROUGH 3-307 OF THE CRIMINAL LAW ARTICLE, BUT NOT LONGER THAN:

5 1. 10 YEARS IF THE PROBATION IS ORDERED BY A CIRCUIT  
6 COURT; OR

7 2. 6 YEARS IF THE PROBATION IS ORDERED BY THE DISTRICT  
8 COURT.

9 (b) (1) [Only for] FOR the purpose of making restitution, the court may  
10 extend the probation beyond the time allowed under subsection (a) of this section for:

11 (i) an additional 5 years if the probation is ordered by a circuit  
12 court; or

13 (ii) an additional 3 years if the probation is ordered by the District  
14 Court.

15 (2) An extension of probation under this subsection may be unsupervised  
16 or supervised by the Division of Parole and Probation.

17 (c) The court may extend the probation beyond the time allowed under  
18 subsection (b) of this section if:

19 (1) the defendant consents in writing; and

20 (2) the extension is only for making restitution.

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