

SENATE BILL 517

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2004 Regular Session
4r1896
CF 4r1895

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

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Class A and Class B Misdemeanors**

3 FOR the purpose of establishing certain maximum penalties for certain
4 misdemeanors based on the State charging a violation of certain misdemeanors
5 as a Class B misdemeanor under certain circumstances; establishing that
6 certain crimes classified under law or at common law as misdemeanors that are
7 not charged by the State as Class B misdemeanors are Class A misdemeanors
8 subject to certain penalties; authorizing the State to charge certain persons
9 alleged to have violated certain crimes with a violation of Class B misdemeanors
10 under certain circumstances; requiring the State to provide certain defendants
11 with certain written notice of the State's intent to charge the defendants with
12 Class B misdemeanors within a certain period of time prior to a certain
13 appearance before a certain judge; providing for the application of this Act; and
14 generally relating to penalties for misdemeanor crimes.

15 BY adding to
16 Article - Criminal Law
17 Section 14-104
18 Annotated Code of Maryland
19 (2002 Volume and 2003 Supplement)

20 BY adding to
21 Article - Criminal Procedure
22 Section 4-109
23 Annotated Code of Maryland
24 (2001 Volume and 2003 Supplement)

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

1

Article - Criminal Law

2 14-104.

3 (A) ANY CRIME CLASSIFIED AS A MISDEMEANOR UNDER LAW OR AT COMMON
4 LAW THAT IS NOT CHARGED BY THE STATE AS A CLASS B MISDEMEANOR UNDER §
5 4-109 OF THE CRIMINAL PROCEDURE ARTICLE IS A CLASS A MISDEMEANOR THAT IS
6 SUBJECT TO THE PENALTY ESTABLISHED FOR THE CRIME UNDER LAW OR THAT IS
7 ALLOWABLE AT COMMON LAW.

8 (B) NOTWITHSTANDING ANY OTHER PENALTY ESTABLISHED FOR A
9 MISDEMEANOR UNDER LAW OR THAT IS ALLOWABLE AT COMMON LAW, A PERSON
10 ALLEGED TO HAVE VIOLATED A CRIME CLASSIFIED AS A MISDEMEANOR UNDER LAW
11 OR AT COMMON LAW AND WHO IS CHARGED BY THE STATE FOR THE VIOLATION AS A
12 VIOLATION OF A CLASS B MISDEMEANOR UNDER § 4-109 OF THE CRIMINAL
13 PROCEDURE ARTICLE ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
14 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

15

Article - Criminal Procedure

16 4-109.

17 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON ALLEGED TO
18 HAVE VIOLATED A CRIME CLASSIFIED AS A MISDEMEANOR UNDER LAW OR AT
19 COMMON LAW AND WHO MAY BE PROSECUTED FOR THE VIOLATION IN THE DISTRICT
20 COURT MAY BE CHARGED BY THE STATE FOR THE VIOLATION AS A VIOLATION OF A
21 CLASS B MISDEMEANOR.

22 (B) THE STATE SHALL PROVIDE THE DEFENDANT WITH WRITTEN NOTICE OF
23 THE STATE'S INTENT TO CHARGE THE DEFENDANT WITH A CLASS B MISDEMEANOR
24 AT LEAST 5 DAYS PRIOR TO THE DEFENDANT'S FIRST APPEARANCE BEFORE A JUDGE
25 IN THE DISTRICT COURT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed to apply only prospectively and may not be applied or interpreted to have
28 any effect on or application to any criminal violation committed before the effective
29 date of this Act.

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