
By: **Delegates Sophocleus, Quinter, Boschert, Boutin, Burns, Cane,
V. Clagett, Conroy, Costa, DeBoy, Doory, Dumais, Dwyer, Frush,
Gilleland, Healey, Howard, Leopold, Love, McConkey, McDonough,
McMillan, Menes, Moe, Niemann, Patterson, Shank, Vaughn, and Wood**

Introduced and read first time: January 26, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

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 defendant
4 convicted of certain sexual abuse or sexual offense crimes involving a minor for
5 a time longer than the sentence imposed but not longer than certain periods of
6 time; and generally relating to probation for defendants convicted of certain
7 crimes.

8 BY repealing and reenacting, with amendments,

9 Article - Criminal Procedure

10 Section 6-222

11 Annotated Code of Maryland

12 (2001 Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Procedure**

16 6-222.

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

18 (1) impose a sentence for a specified time and provide that a lesser time

19 be served in confinement;

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

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

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

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

8 (II) ~~ORDER THE PROBATION FOR A TIME LONGER THAN THE~~
9 ~~SENTENCE IMPOSED FOR~~ IF A DEFENDANT CONVICTED OF SEXUAL ABUSE OF A
10 MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR A CRIME INVOLVING A
11 MINOR UNDER § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THE CRIMINAL LAW
12 ARTICLE, CONSENTS IN WRITING, ORDER PROBATION FOR A TIME LONGER THAN THE
13 SENTENCE THAT WAS IMPOSED ON THE DEFENDANT, BUT NOT LONGER THAN:

14 1. 10 YEARS IF THE PROBATION IS ORDERED BY A CIRCUIT
15 COURT; OR

16 2. 6 YEARS IF THE PROBATION IS ORDERED BY THE DISTRICT
17 COURT.

18 (b) (1) [Only for] FOR the purpose of making restitution, the court may
19 extend the probation beyond the time allowed under subsection [(a)] (A)(3)(I) of this
20 section for:

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

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

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

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

29 (1) the defendant consents in writing; and

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2005.

