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By: **Delegate O'Donnell**

Introduced and read first time: February 2, 2005

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; requiring a certain notice; and generally relating to the revisory  
10 power of a court in sentencing.

11 BY adding to

12 Article - Criminal Procedure

13 Section 6-233

14 Annotated Code of Maryland

15 (2001 Volume and 2004 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 6-233.

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 15  
24 MONTHS 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 effect  
7 October 1, 2005.