

ENROLLED BILL
-- *Judicial Proceedings/Judiciary* --

Introduced by **Senators Brochin, Garagiola, Giannetti, Green, Grosfeld, and Klausmeier**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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:

Article - Criminal Procedure

1 6-222.

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

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

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

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

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

10 [(ii)] 2. 3 years if the probation is ordered by the District Court;
11 OR
12

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

19 1. 10 YEARS IF THE PROBATION IS ORDERED BY A CIRCUIT
20 COURT; OR

21 2. 6 YEARS IF THE PROBATION IS ORDERED BY THE DISTRICT
22 COURT.

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

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

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

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

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

34 (1) the defendant consents in writing; and

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

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