
By: **Senators Brochin, Garagiola, Giannetti, Green, Grosfeld, and Klausmeier**

Introduced and read first time: January 19, 2005
Assigned to: Judicial Proceedings

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 defendant convicted of
4 certain sexual abuse or sexual offense crimes involving a minor for a time longer
5 than the sentence imposed but not longer than certain periods of time; and
6 generally relating to probation for defendants convicted 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 2004 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 IMPOSED FOR A DEFENDANT CONVICTED OF SEXUAL ABUSE OF A MINOR
3 UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR A CRIME INVOLVING A MINOR
4 UNDER § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THE CRIMINAL LAW ARTICLE,
5 BUT NOT LONGER THAN:

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

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

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

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

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

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

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

21 (1) the defendant consents in writing; and

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

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