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

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Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 2, 2005

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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 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

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

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

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

7 (II) ORDER THE PROBATION FOR A TIME LONGER THAN THE  
 8 SENTENCE IMPOSED FOR A DEFENDANT CONVICTED OF SEXUAL ABUSE OF A MINOR  
 9 UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR A CRIME INVOLVING A MINOR  
 10 UNDER § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THE CRIMINAL LAW ARTICLE,  
 11 BUT NOT LONGER THAN:

12 1. 10 YEARS IF THE PROBATION IS ORDERED BY A CIRCUIT  
 13 COURT; OR

14 2. 6 YEARS IF THE PROBATION IS ORDERED BY THE DISTRICT  
 15 COURT.

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

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

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

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

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

27 (1) the defendant consents in writing; and

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

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

