
By: **Senators Hooper, Colburn, Garagiola, Greenip, Harris, Jacobs, and Mooney**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing - Crimes of Violence - Limitation on Revisory Power of Courts**

3 FOR the purpose of limiting to a certain period after the imposition of a sentence for
4 a certain crime of violence the power of a court to revise the sentence;
5 authorizing a certain motion to be filed at any time under certain
6 circumstances; requiring a court to notify each victim of the crime for which the
7 defendant was convicted before revising, modifying, or reducing the sentence
8 imposed on the defendant; defining a term; providing for the application of this
9 Act; and generally relating to the revisory power of a court in criminal
10 sentencing.

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Law
13 Section 14-101(a)
14 Annotated Code of Maryland
15 (2002 Volume and 2004 Supplement)

16 BY adding to
17 Article - Criminal Procedure
18 Section 6-233
19 Annotated Code of Maryland
20 (2001 Volume and 2004 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Criminal Law**

24 14-101.

25 (a) In this section, "crime of violence" means:

26 (1) abduction;

- 1 (2) arson in the first degree;
- 2 (3) kidnapping;
- 3 (4) manslaughter, except involuntary manslaughter;
- 4 (5) mayhem;
- 5 (6) maiming, as previously proscribed under former Article 27, §§ 385
6 and 386 of the Code;
- 7 (7) murder;
- 8 (8) rape;
- 9 (9) robbery under § 3-402 or § 3-403 of this article;
- 10 (10) carjacking;
- 11 (11) armed carjacking;
- 12 (12) sexual offense in the first degree;
- 13 (13) sexual offense in the second degree;
- 14 (14) use of a handgun in the commission of a felony or other crime of
15 violence;
- 16 (15) an attempt to commit any of the crimes described in items (1)
17 through (14) of this subsection;
- 18 (16) assault in the first degree;
- 19 (17) assault with intent to murder;
- 20 (18) assault with intent to rape;
- 21 (19) assault with intent to rob;
- 22 (20) assault with intent to commit a sexual offense in the first degree; and
- 23 (21) assault with intent to commit a sexual offense in the second degree.

24

Article - Criminal Procedure

25 6-233.

26 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND
27 NOTWITHSTANDING ANY MARYLAND RULE, A COURT MAY NOT, WITHOUT THE
28 CONSENT OF THE PARTIES, REVISE A SENTENCE IMPOSED FOR A CRIME OF
29 VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE AFTER THE

1 EXPIRATION OF 1 YEAR FROM THE DATE OF THE ORIGINAL SENTENCE IMPOSED ON
2 THE DEFENDANT.

3 (B) A MOTION TO REVISE, MODIFY, OR REDUCE SENTENCE MAY BE FILED AND
4 CONSIDERED BY THE COURT AT ANY TIME IN A CASE INVOLVING AN ILLEGAL
5 SENTENCE, FRAUD, MISTAKE, OR IRREGULARITY.

6 (C) A COURT SHALL NOTIFY EACH VICTIM OF THE CRIME FOR WHICH THE
7 DEFENDANT WAS CONVICTED BEFORE REVISING, MODIFYING, OR REDUCING THE
8 SENTENCE IMPOSED ON THE DEFENDANT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any sentence imposed before the effective date of this
12 Act.

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