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By: **Chairman, Judicial Proceedings Committee (By Request - Maryland  
Judicial Conference)**

Introduced and read first time: January 18, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Right of Appeal - Violation of Probation - On the Record**

3 FOR the purpose of providing that an appeal shall be heard on the record made in the  
4 District Court when the District Court's determination that a certain defendant  
5 has violated probation is being appealed; and generally relating to an appeal of  
6 a determination of violation of probation.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 12-401(f)  
10 Annotated Code of Maryland  
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-401.

16 (f) [In] (1) AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN THE  
17 DISTRICT COURT:

18 (I) IN a civil case in which the amount in controversy exceeds  
19 \$5,000 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable  
20 by law or contract[.];

21 (II) [in] IN any matter arising under § 4-401(7)(ii) of this article[.];

22 (III) WHEN THE DISTRICT COURT'S DETERMINATION THAT A  
23 CRIMINAL DEFENDANT HAS VIOLATED PROBATION IS APPEALED; AND

24 (IV) [and in] IN any case in which the parties so agree[, an appeal  
25 shall be heard on the record made in the District Court].

1                   (2)       In every other case, including a criminal case in which sentence has  
2 been imposed or suspended following a plea of nolo contendere or guilty, and an  
3 appeal in a municipal infraction or Code violation case, an appeal shall be tried de  
4 novo.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2006.