

HOUSE BILL 89

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8lr1147
CF SB 59

By: **Chair, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: January 14, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Violation of Probation or Suspension of Sentence - Notice or**
3 **Warrant**

4 FOR the purpose of authorizing a circuit court to end a period of probation at any
5 time, issue a warrant or give notice in connection with a violation of probation,
6 remand or release a probationer or defendant pending a hearing of a violation of
7 probation, and, on a finding of violation, revoke probation or suspension of
8 sentence and impose a certain sentence; altering a requirement that the District
9 Court issue a warrant or give notice of a hearing on violation of probation
10 during the period of probation; requiring that a certain hearing date be timely;
11 making stylistic changes; and generally relating to a proceeding in the District
12 Court or circuit courts for a violation of a condition of probation or suspension of
13 sentence.

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Procedure
16 Section 6-223
17 Annotated Code of Maryland
18 (2001 Volume and 2007 Supplement)

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

21 **Article - Criminal Procedure**

22 6-223.

23 (a) [The] **A CIRCUIT COURT OR THE** District Court may end the period of
24 probation at any time.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) During the period of [probation, on written charges under oath or on
2 violation of a condition of probation,] **PROBATION OR WITHIN 1 YEAR AFTER THE**
3 **DATE ON WHICH THE PROBATION OF THE DEFENDANT ENDS, ON RECEIPT OF**
4 **WRITTEN CHARGES, FILED UNDER OATH, THAT THE DEFENDANT VIOLATED A**
5 **CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, A CIRCUIT**
6 **COURT OR** the District Court may issue a warrant or notice requiring the probationer
7 or defendant to be brought or appear before the judge issuing the warrant or notice:

8 (1) to answer the charge of violation of [conditions] **A CONDITION** of
9 probation or of suspension of sentence; and

10 (2) to be present for the setting of a **TIMELY** hearing date for that
11 charge.

12 (c) Pending the hearing or determination of the charge, **A CIRCUIT COURT**
13 **OR** the District Court may remand the probationer or defendant to a correctional
14 facility or release the probationer or defendant with or without bail.

15 (d) If, at the hearing, **A CIRCUIT COURT OR** the District Court finds that the
16 probationer or defendant has violated a condition of probation, the [District Court]
17 **COURT** may:

18 (1) revoke the probation granted or the suspension of sentence; and

19 (2) impose any sentence that might have originally been imposed for
20 the crime of which the probationer or defendant was convicted or pleaded nolo
21 contendere.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.