

# SENATE BILL 59

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CF HB 89

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By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 11, 2008

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 7, 2008

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## CHAPTER \_\_\_\_\_

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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 6-223.

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

4 (b) During the period of [probation, on written charges under oath or on  
5 violation of a condition of probation,] **PROBATION OR WITHIN ~~1-YEAR~~ 90 DAYS**  
6 **AFTER THE DATE ON WHICH THE PROBATION OF THE DEFENDANT ENDS, ON**  
7 **RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT THE DEFENDANT**  
8 **VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, A**  
9 **CIRCUIT COURT OR** the District Court may issue a warrant or notice requiring the  
10 probationer or defendant to be brought or appear before the judge issuing the warrant  
11 or notice:

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

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

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

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

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

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

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