

HOUSE BILL 134

E2

9lr1263
CF SB 145

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

Introduced and read first time: January 23, 2009

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

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Procedure
15 Section 6-223
16 Annotated Code of Maryland
17 (2008 Replacement Volume)

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

20 **Article - Criminal Procedure**

21 6-223.

22 (a) [The] **A CIRCUIT COURT OR THE** District Court may end the period of
23 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 90 DAYS 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,** the District
6 Court may issue a warrant or notice requiring the probationer or defendant to be
7 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, 2009.