

# HOUSE BILL 134

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9lr1263  
CF SB 145

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

Introduced and read first time: January 23, 2009

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2009

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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, 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.

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

3 (b) ~~During the period of [probation, on written charges under oath or on~~  
4 ~~violation of a condition of probation,] **PROBATION OR WITHIN 90 DAYS AFTER THE**~~  
5 ~~**DATE ON WHICH THE PROBATION OF THE DEFENDANT ENDS, ON RECEIPT OF**~~  
6 ~~**WRITTEN CHARGES, FILED UNDER OATH, THAT THE DEFENDANT VIOLATED A**~~  
7 ~~**CONDITION OF PROBATION DURING THE PERIOD OF PROBATION,** the District~~  
8 ~~Court may~~ **ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT A**  
9 **PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING**  
10 **THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD**  
11 **OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS**  
12 **LATER,** issue a warrant or notice requiring the probationer or defendant to be brought  
13 or appear before the judge issuing the warrant or notice:

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

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

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

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

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

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

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
29 October 1, 2009.