

CHAPTER 513

(Senate Bill 145)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

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

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–223
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Criminal Procedure

6–223.

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

(b) ~~During the period of [probation, on written charges under oath or on violation of a condition of probation,] PROBATION OR WITHIN 90 DAYS AFTER THE DATE ON WHICH THE PROBATION OF THE DEFENDANT ENDS, ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION,~~ the District Court may **ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT A PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS**

LATER, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2009.