

HOUSE BILL 845

E2

9lr2684

By: **Delegates W. Fisher, Pena–Melnik, Acevero, B. Barnes, Fraser–Hidalgo, Ivey, and Washington**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Probation Before Judgment – Facts Justifying a Finding**
3 **of Guilt and Suspension of Sentence**

4 FOR the purpose of authorizing a court to stay the entering of judgment, defer further
5 proceedings, and place a certain defendant on probation subject to reasonable
6 conditions if the court finds facts justifying a finding of guilt; authorizing a court to
7 suspend a portion or all of a certain sentence as a condition of a certain probation;
8 and generally relating to probation before judgment.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 6–220(b)
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

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

16 **Article – Criminal Procedure**

17 6–220.

18 (b) (1) When a defendant pleads guilty or nolo contendere or is found guilty of
19 a crime, **OR A COURT FINDS FACTS JUSTIFYING A FINDING OF GUILT**, a court may stay
20 the entering of judgment, defer further proceedings, and place the defendant on probation
21 subject to reasonable conditions if:

22 (i) the court finds that the best interests of the defendant and the
23 public welfare would be served; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) the defendant gives written consent [after determination of guilt
2 or acceptance of a nolo contendere plea].

3 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions may
4 include an order that the defendant:

5 (i) pay a fine or monetary penalty to the State or make restitution;
6 or

7 (ii) participate in a rehabilitation program, the parks program, or a
8 voluntary hospital program.

9 (3) Before the court orders a fine, monetary penalty, or restitution, the
10 defendant is entitled to notice and a hearing to determine the amount of the fine, monetary
11 penalty, or restitution, what payment will be required, and how payment will be made.

12 (4) Any fine or monetary penalty imposed as a condition of probation shall
13 be within the amount set by law for a violation resulting in conviction.

14 (5) As a condition of probation, the court may order a person to a term of
15 custodial confinement or imprisonment **AND MAY SUSPEND A PORTION OR ALL OF THE**
16 **SENTENCE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.