

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1142
Judiciary

(Delegate Moon)

Criminal Procedure – Required Presence of Probationer or Defendant – Circuit
Courts

This bill authorizes a circuit court to, during the period of probation or within 30 days after the violation (whichever is later), issue a warrant or notice to require a probationer or defendant who has been charged with violating a condition of probation during the period of probation to be brought or appear before the judge issuing the warrant or notice to answer the charge and be present for the setting of a timely hearing date.

Fiscal Summary

State Effect: The bill is procedural and is not expected to materially affect State finances or operations.

Local Effect: The bill is procedural and is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: 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 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. Statutory provisions addressing the remand or

release of a probationer or defendant pending the hearing or determination of the charge and judicial options after a hearing apply to a circuit court and the District Court.

In the circuit courts, revocation proceedings may begin at any time for a violation of probation or suspended sentence, as long as “the State proceeds with reasonable promptness and diligence.” *State v. Miller*, 289 Md. 443, 424 A.2d 1109 (1981).

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Charles and Garrett counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2023
km/jkb

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