

1 (ii) has served at least one term of confinement in a correctional
 2 facility
 3 sentence
 4 requir **Violations of Probation – Definitions – Criminal Procedure (CP) Art., §1-101**
 5 le except
 6 in acc

7 (d) (1) On conviction for a second time of a crime of violence committed on or
 8 after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by
 9 law, but not less than 10 years, if the person:

10 (i) has been convicted on a prior occasion of a crime of violence,
 11 including a conviction for a crime committed before October 1, 1994; and

12 (ii) served a term of confinement in a correctional facility for that
 13 conviction.

14 (2) The court may not suspend all or part of the mandatory 10–year sentence
 15 required under this subsection.

16 (e) If the State intends to proceed against a person as a subsequent offender under
 17 this section, it shall comply with the procedures set forth in the Maryland Rules for the
 18 indictment and trial of a subsequent offender.

19 (f) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR
 20 ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL
 21 PROCEDURE ARTICLE.

22 (2) A person sentenced under this section may petition for and be granted
 23 parole if the person:

24 (i) is at least [65] 60 years old; and

25 (ii) has served at least 15 years of the sentence imposed under this
 26 section.

27 [(2)] (3) The Maryland Parole Commission shall adopt regulations to
 28 implement this subsection.

29 Article – Criminal Procedure

30 **1-101.**

31 (a) In this article the following words have the meanings indicated.

1 **(b) “ABSCONDING” HAS THE MEANING STATED IN § 6-101 OF THE**
2 **CORRECTIONAL SERVICES ARTICLE.**

3 **(C) (1) “Charging document” means a written accusation alleging that a**
4 **defendant has committed a crime.**

5 **(2) “Charging document” includes a citation, an indictment, an**
6 **information, a statement of charges, and a warrant.**

7 **[(c)] (D) “Correctional facility” has the meaning stated in § 1-101 of the**
8 **Correctional Services Article.**

9 **[(d)] (E) “County” means a county of the State or Baltimore City.**

10 **[(e)] (F) “Crime of violence” has the meaning stated in § 14-101 of the Criminal**
11 **Law Article.**

12 **[(f)] (G) “Department” means the Department of Public Safety and Correctional**
13 **Services.**

14 **[(g)] (H) “Inmate” has the meaning stated in § 1-101 of the Correctional Services**
15 **Article.**

16 **[(h)] (I) “Local correctional facility” has the meaning stated in § 1-101 of the**
17 **Correctional Services Article.**

18 **[(i)] (J) “Managing official” has the meaning stated in § 1-101 of the**
19 **Correctional Services Article.**

20 **[(j)] (K) “Nolle prosequi” means a formal entry on the record by the State that**
21 **declares the State’s intention not to prosecute a charge.**

22 **[(k)] (L) “Nolo contendere” means a plea stating that the defendant will not**
23 **contest the charge but does not admit guilt or claim innocence.**

24 **[(l)] (M) “Person” means an individual, receiver, trustee, guardian, personal**
25 **representative, fiduciary, representative of any kind, partnership, firm, association,**
26 **corporation, or other entity.**

27 **[(m)] (N) “Secretary” means the Secretary of the Department of Public Safety and**
28 **Correctional Services.**

29 **[(n)] (O) “State” means:**

1 (1) a state, possession, territory, or commonwealth of the United States; or

2 (2) the District of Columbia.

3 [(o)] (P) "State correctional facility" has the meaning stated in § 1-101 of the
4 Correctional Services Article.

5 (Q) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101 OF THE
6 CORRECTIONAL SERVICES ARTICLE.

7 6-223.

8 (a) A circuit court or the District Court may end the period of probation at any
9 time.

10 (b) On receipt of written charges, filed under oath, that a probationer or defendant
11 violated a condition of probation during the period of probation, the District Court may,
12 during the period of probation or within 30 days after the violation, whichever is later, issue
13 a warrant or notice requiring the probationer or defendant to be brought or appear before
14 the judge issuing the warrant or notice:

15 (1) to answer the charge of violation of a condition of probation or of
16 suspension of sentence; and

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

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

21 (d) If, at the hearing, a circuit court or the District Court finds that the probationer
22 or defendant has violated a condition of probation, the court may:

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

24 (2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A
25 TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:

26 1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL
27 VIOLATION;

28 2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL
29 VIOLATION; AND

30 3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL
31 VIOLATION; AND