

1 (iv) categorize information on the number of reconsiderations of
2 sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial
3 circuit; AND

4 (V) REVIEW JUDICIAL COMPLIANCE WITH THE GUIDELINES FOR
5 SUSPENDED SENTENCES ESTABLISHED UNDER PARAGRAPH (3) OF THIS
6 SUBSECTION.

7 (2) The Commission shall consider a sentence to a corrections options
8 program to be within the sentencing guidelines if the sentence falls within a corrections
9 options zone shown on the matrix.

10 (3) THE COMMISSION SHALL INCLUDE A SUSPENDED PORTION OF A
11 SENTENCE IN THE DETERMINATION OF WHETHER A SENTENCE IS COMPLIANT WITH
12 THE SENTENCING GUIDELINES.

13 6–223.

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

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

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

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

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

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

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

30 (2) (I) FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF
31 INCARCERATION OF:

32 1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL
33 VIOLATION;

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

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

5 (II) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR
6 A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might
7 have originally been imposed for the crime of which the probationer or defendant was
8 convicted or pleaded nolo contendere.

9 6–224.

10 (a) This section applies to a defendant who is convicted of a crime for which the
11 court:

12 (1) does not impose a sentence;

13 (2) suspends the sentence generally;

14 (3) places the defendant on probation for a definite time; or

15 (4) passes another order and imposes other conditions of probation.

16 (b) If a defendant is brought before a circuit court to be sentenced on the original
17 charge or for violating a condition of probation, and the judge then presiding finds that the
18 defendant violated a condition of probation, the judge:

19 (1) **SUBJECT TO SUBSECTION (C) OF THIS SECTION**, may sentence the
20 defendant to:

21 (i) all or any part of the period of imprisonment imposed in the
22 original sentence; or

23 (ii) any sentence allowed by law, if a sentence was not imposed
24 before; and

25 (2) may suspend all or part of a sentence and place the defendant on
26 further probation on any conditions that the judge considers proper, and that do not exceed
27 the maximum set under § 6–222 of this subtitle.

28 (c) **IF THE JUDGE FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF**
29 **PROBATION THAT IS A TECHNICAL VIOLATION, THE JUDGE MAY IMPOSE A PERIOD**
30 **OF INCARCERATION OF:**

- 1 **(1) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;**
- 2 **(2) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;**
- 3 **(3) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION;**
- 4 **AND**
- 5 **(4) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN**
- 6 **THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.**

- 7 **(D)** (1) The District Court judge who originally imposed conditions of probation
- 8 or suspension of sentence shall hear any charge of violation of the conditions of probation
- 9 or suspension of sentence.
- 10 (2) Except as provided in paragraph (3) of this subsection, the judge shall
- 11 sentence the defendant if probation is revoked or suspension stricken.
- 12 (3) If the judge has been removed from office, has died or resigned, or is
- 13 otherwise incapacitated, any other judge of the District Court may act in the matter.

14 11-819.

- 15 (b) The Criminal Injuries Compensation Fund:
- 16 (1) shall be used to:
 - 17 (i) carry out the provisions of this subtitle; and
 - 18 (ii) distribute restitution payments forwarded to the Fund under [§
 - 19 11-604] **§ 9-614** of the Correctional Services Article; and
- 20 (2) may be used for:
 - 21 (i) any award given under this subtitle; and
 - 22 (ii) the costs of carrying out this subtitle.

Article – Health – General

24 8-507.

25 (a) Subject to the limitations in this section, a court that finds in a criminal case

26 or during a term of probation that a defendant has an alcohol or drug dependency may

27 commit the defendant as a condition of release, after conviction, or at any other time the

28 defendant voluntarily agrees to participate in treatment, to the Department for treatment

29 that the Department recommends, even if:

Links

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To see the current text of this legislation go to:

<http://mgaleg.maryland.gov/2016RS/bills/hb/hb1312f.pdf> or

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To see the legislative initiatives of the Maryland Alliance for Justice Reform:

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Maryland Alliance for Justice Reform (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR's viewpoint, its many important reforms could reduce Maryland's prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state's crime rate also could be reduced, taxpayer funds could be saved, while communities and families are strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.