

SENATE BILL 82

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EMERGENCY BILL
(PRE-FILED)

4lr0650

By: **Senator McCray**

Requested: September 18, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Arrest Warrants for Violation of Probation – Time Frame**

3 FOR the purpose of requiring a circuit court or District Court judge sitting in Baltimore
4 City to respond to a certain request for an arrest warrant within a certain period of
5 time after receiving certain written charges; and generally relating to arrest
6 warrants in Baltimore City.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 6–223
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

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

14 **Article – Criminal Procedure**

15 6–223.

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

18 (b) **(1)** On receipt of written charges, filed under oath, that a probationer or
19 defendant violated a condition of probation during the period of probation, the District
20 Court may, during the period of probation or within 30 days after the violation, whichever
21 is later, issue a warrant or notice requiring the probationer or defendant to be brought or
22 appear before the judge issuing the warrant or notice:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(1)] (I) to answer the charge of violation of a condition of probation or of
2 suspension of sentence; and

3 [(2)] (II) to be present for the setting of a timely hearing date for that
4 charge.

5 **(2) WITHIN 7 DAYS AFTER RECEIPT OF WRITTEN CHARGES, FILED**
6 **UNDER OATH, THAT A PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF**
7 **PROBATION DURING THE PERIOD OF PROBATION, A CIRCUIT COURT OR DISTRICT**
8 **COURT JUDGE SITTING IN BALTIMORE CITY SHALL RESPOND TO A REQUEST FOR AN**
9 **ARREST WARRANT.**

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

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

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

16 (2) (i) subject to subsection (e) of this section, for a technical violation,
17 impose a period of incarceration of:

18 1. not more than 15 days for a first technical violation;

19 2. not more than 30 days for a second technical violation; and

20 3. not more than 45 days for a third technical violation; and

21 (ii) for a fourth or subsequent technical violation or a violation that
22 is not a technical violation, impose any sentence that might have originally been imposed
23 for the crime of which the probationer or defendant was convicted or pleaded nolo
24 contendere.

25 (e) (1) There is a rebuttable presumption that the limits on the period of
26 incarceration that may be imposed for a technical violation established under subsection
27 (d)(2) of this section are applicable.

28 (2) The presumption may be rebutted if the court finds and states on the
29 record, after consideration of the following factors, that adhering to the limits on the period
30 of incarceration established under subsection (d)(2) of this section would create a risk to
31 public safety, a victim, or a witness:

32 (i) the nature of the probation violation;

1 (ii) the facts and circumstances of the crime for which the
2 probationer or defendant was convicted; and

3 (iii) the probationer's or defendant's history.

4 (3) On finding that adhering to the limits would create a risk to public
5 safety, a victim, or a witness under paragraph (2) of this subsection, the court may:

6 (i) direct imposition of a longer period of incarceration than
7 provided under subsection (d)(2) of this section, but no more than the time remaining on
8 the original sentence; or

9 (ii) commit the probationer or defendant to the Maryland
10 Department of Health for treatment under § 8–507 of the Health – General Article.

11 (4) A finding under paragraph (2) of this subsection or an action under
12 paragraph (3) of this subsection is subject to appeal under Title 12, Subtitle 3 or Subtitle 4
13 of the Courts Article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety, has
16 been passed by a ye and nay vote supported by three-fifths of all the members elected to
17 each of the two Houses of the General Assembly, and shall take effect from the date it is
18 enacted.