

HOUSE BILL 43

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0lr1145

HB 1320/11 – JUD

(PRE-FILED)

By: **Delegate Metzgar**

Requested: October 31, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Plea Agreement Terms and the Violence Prevention**
3 **Initiative Criteria**

4 FOR the purpose of establishing that, if a court accepts a certain plea agreement with a
5 certain sentence for a certain defendant charged with committing a crime of violence,
6 the defendant shall serve the sentence imposed without reduction by diminution
7 credits or parole, or otherwise; establishing that a court or review panel may not
8 modify a sentence imposed under a plea agreement in accordance with this Act;
9 providing that the eligibility criteria for a certain program of collaborative
10 supervision of high risk offenders by the Division of Parole and Probation and local
11 law enforcement agencies be expanded to include offenders of any age; defining a
12 certain term; providing for the application of this Act; and generally relating to the
13 terms of a plea agreement and the criteria for the Violence Prevention Initiative.

14 BY adding to
15 Article – Criminal Procedure
16 Section 6–217.1
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

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

21 **Article – Criminal Procedure**

22 **6–217.1.**

23 **(A) IN THIS SECTION, “PLEA AGREEMENT” MEANS AN AGREEMENT**
24 **BETWEEN A DEFENDANT OR A DEFENDANT’S ATTORNEY AND A STATE’S ATTORNEY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR CHARGES AND
2 RECEIVE A SPECIFIED SENTENCE IN EXCHANGE FOR THE STATE'S ATTORNEY'S
3 RECOMMENDATION TO THE COURT THAT THE COURT ACCEPT THE PLEA
4 AGREEMENT AND IMPOSE THE AGREED-ON SENTENCE.

5 (B) THIS SECTION APPLIES TO THE SENTENCING OF A DEFENDANT FOR THE
6 COMMISSION OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL
7 LAW ARTICLE.

8 (C) (1) NOTWITHSTANDING ANY OTHER LAW, IF A PLEA AGREEMENT IS
9 ACCEPTED BY THE COURT, THE DEFENDANT SHALL SERVE THE SENTENCE IMPOSED
10 WITHOUT REDUCTION BY DIMINUTION CREDITS OR PAROLE, OR OTHERWISE.

11 (2) NOTWITHSTANDING ANY OTHER LAW, A COURT OR REVIEW PANEL
12 MAY NOT MODIFY A SENTENCE IMPOSED UNDER A PLEA AGREEMENT IN
13 ACCORDANCE WITH THIS SECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the eligibility criteria for the
15 Violence Prevention Initiative under which high risk offenders are subject to increased
16 collaborative supervision of the Division of Parole and Probation and local law enforcement
17 agencies be expanded to include all age groups.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.