

HOUSE BILL 1063

E2

3lr0729

By: **Delegates Clippinger, K. Kelly, Mitchell, Valderrama, and Waldstreicher**
Introduced and read first time: February 8, 2013
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Appeal on the Record – Violation of a**
3 **Condition of Probation**

4 FOR the purpose of altering the standard of review for an appeal in a criminal case in
5 which a defendant has been charged with violating a condition of probation from
6 being tried de novo to being heard on a certain record; making stylistic changes;
7 and generally relating to the appeal of a criminal case in which a defendant has
8 been charged with violating a condition of probation.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 12–401(f)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2012 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 12–401.

18 (f) **(1)** [In a] **AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN**
19 **THE DISTRICT COURT IN:**

20 **(I)** A civil case in which the amount in controversy exceeds
21 \$5,000 exclusive of interest, costs, and attorney’s fees if attorney’s fees are recoverable
22 by law or contract[, in any];

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II)** ANY matter arising under § 4–401(7)(ii) of this article[, and
2 in any];

3 **(III)** ANY case in which the parties so agree[, an appeal shall be
4 heard on the record made in the District Court]; **AND**

5 **(IV)** A CRIMINAL CASE IN WHICH A DEFENDANT HAS BEEN
6 CHARGED WITH VIOLATING A CONDITION OF PROBATION.

7 **(2)** [In every] **EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS**
8 **SUBSECTION, AN APPEAL SHALL BE TRIED DE NOVO IN:**

9 **(I)** EVERY [other] case, including a criminal case in which
10 sentence has been imposed or suspended following a plea of nolo contendere or
11 guilty[.]; and

12 **(II)** [an] AN appeal in a municipal infraction or Code violation
13 case[, an appeal shall be tried de novo].

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.