

HOUSE BILL 536

E2

2lr1870
CF SB 454

By: **Delegate Wilson**

Introduced and read first time: February 3, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Violation of Probation – Appeal on the Record**

3 FOR the purpose of providing that an appeal shall be heard on the record made in the
4 District Court in a case in which the District Court determines that a criminal
5 defendant violated probation; and generally relating to an appeal of a
6 determination by the District Court of a violation of probation by a criminal
7 defendant.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 12–401(f)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 12–401.

17 (f) **(1) AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN THE**
18 **DISTRICT COURT:**

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

22 **(II)** IN any matter arising under § 4–401(7)(ii) of this article[,
23 and in];

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(III) IN A CASE IN WHICH THE DISTRICT COURT**
2 **DETERMINES THAT A CRIMINAL DEFENDANT VIOLATED PROBATION; AND**

3 **(IV) IN** any case in which the parties so agree[, an appeal shall
4 be heard on the record made in the District Court].

5 **(2)** In every other case, including a criminal case in which sentence
6 has been imposed or suspended following a plea of nolo contendere or guilty, and an
7 appeal in a municipal infraction or Code violation case, an appeal shall be tried de
8 novo.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.