

11-613. STAY OF EXECUTION OF SENTENCE.

(A) IN GENERAL.

NOTWITHSTANDING ANY OTHER PROVISION OF PART I OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A VICTIM OR OTHER PERSON OR GOVERNMENTAL UNIT MAY NOT EXECUTE ON A JUDGMENT RECORDED AND INDEXED UNDER PART I OF THIS SUBTITLE IF THE RESTITUTION OBLIGOR:

(1) FILES A MOTION UNDER THE MARYLAND RULES TO STAY EXECUTION OF SENTENCE OR THE JUDGMENT OF RESTITUTION THAT HAS NOT BEEN DETERMINED BY THE COURT; AND

(2) CHALLENGES THE CONVICTION, SENTENCE, OR JUDGMENT OF RESTITUTION BY:

(I) FILING AN APPEAL IN A STATE COURT OR IN FEDERAL COURT;

(II) APPLYING FOR LEAVE TO APPEAL FOLLOWING A PLEA OF GUILTY IN A CIRCUIT COURT;

(III) FILING A MOTION FOR EXERCISE OF REVISORY POWER BY THE SENTENCING COURT UNDER THE MARYLAND RULES;

(IV) FILING AN APPLICATION FOR REVIEW OF CRIMINAL SENTENCE UNDER TITLE 8 OF THIS ARTICLE; OR

(V) FILING A NOTICE FOR IN BANC REVIEW UNDER THE MARYLAND RULES.

(B) DELAY ON EXECUTION ON JUDGMENT.

IF A RESTITUTION OBLIGOR FILES AN ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION, A PERSON OR GOVERNMENTAL UNIT MAY NOT EXECUTE ON A JUDGMENT RECORDED AND INDEXED UNDER PART I OF THIS SUBTITLE UNTIL A COURT ISSUES A FINAL JUDGMENT THAT UPHOLDS THE CONVICTION, SENTENCE, OR JUDGMENT OF RESTITUTION.

(C) REQUIREMENTS FOR EXECUTION.

A PERSON OR GOVERNMENTAL UNIT MAY NOT EXECUTE ON A JUDGMENT RECORDED AND INDEXED UNDER PART I OF THIS SUBTITLE UNTIL THE TIME HAS EXPIRED IN WHICH A RESTITUTION OBLIGOR MAY FILE ANY OF THE ACTIONS LISTED UNDER SUBSECTION (A)(2)(I) THROUGH (V) OF THIS SECTION.

(D) ENFORCEMENT OF JUDGMENT.

THE JUDGMENT OF RESTITUTION MAY BE ENFORCED IN THE SAME WAY THAT A MONETARY JUDGMENT IS ENFORCED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 807(k).

Throughout this section, the reference to a governmental "unit" is