

12-401.

(a) A party in a civil case or the defendant in a criminal case may appeal from a final judgment entered in the District Court. In a criminal case, the State may appeal from a final judgment if the State alleges that the trial judge failed to impose the sentence specifically mandated by the Code. In a criminal case, the defendant may appeal even though imposition or execution of sentence has been suspended.

(b) A defendant who has been found guilty of a municipal infraction, as defined in Article 23A, Section 3(b)(1) of the Code, may appeal from the final judgment entered in the District Court. The costs and procedures for taking the appeal shall be as provided for appeals from criminal cases in the District Court. Except, however, as provided in subsection (d) of this section, the appellate court shall docket and hear the appeal as a civil appeal from the District Court.

(c) (1) Except as provided in paragraph (2), an appeal shall be taken by filing an order for appeal with the clerk of the District Court within 30 days from the date of the final judgment from which appealed.

(2) If the final judgment was entered in a case filed under Sections 8-332, 8-401, 8-402, or 14-109 of the Real Property Article of the Code, the order for appeal shall be filed within the time prescribed by the particular section.

(d) In a civil case in which the amount in controversy exceeds ~~[\$500]~~ \$1,000 exclusive of interest and costs, and in any case in which the parties so agree, an appeal shall be heard on the record made in the District Court. In every other case, including a criminal case in which sentence has been imposed or suspended following a plea of nolo contendere or guilty, and an appeal in a municipal infraction case, an appeal shall be tried de novo.

(e) In a criminal appeal that is tried de novo, there is no right to a jury trial unless the offense charged is subject to a penalty of imprisonment or unless there is a constitutional right to a jury trial for that offense.

SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is contingent upon the passage of H.B. 931 (11r2272) of 1981. Should that measure fail of enactment, the provisions of this Act are null and void without the need of further action by the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ January 1, 1981 1982.