

**Article - Criminal Procedure**

6-222.

(a) A circuit court or the District Court may:

(1) impose a sentence for a specified time and provide that a lesser time be served in confinement;

(2) suspend the remainder of the sentence; and

(3) (I) ~~EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM~~, order probation for a time longer than the sentence but, subject to subsections (b) and (c) of this section, not longer than:

[(i)] 1. 5 years if the probation is ordered by a circuit court; or

[(ii)] 2. 3 years if the probation is ordered by the District Court;

OR

(II) ~~ORDER THE PROBATION FOR A TIME LONGER THAN THE SENTENCE IMPOSED FOR~~ IF A DEFENDANT CONVICTED OF SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR A CRIME INVOLVING A MINOR UNDER § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THE CRIMINAL LAW ARTICLE, *CONSENTS IN WRITING, ORDER PROBATION FOR A TIME LONGER THAN THE SENTENCE THAT WAS IMPOSED ON THE DEFENDANT*, BUT NOT LONGER THAN:

1. 10 YEARS IF THE PROBATION IS ORDERED BY A CIRCUIT COURT; OR

2. 6 YEARS IF THE PROBATION IS ORDERED BY THE DISTRICT COURT.

(b) (1) [Only for] FOR the purpose of making restitution, the court may extend the probation beyond the time allowed under subsection [(a)] (A)(3)(I) of this section for:

(i) an additional 5 years if the probation is ordered by a circuit court; or

(ii) an additional 3 years if the probation is ordered by the District Court.

(2) An extension of probation under this subsection may be unsupervised or supervised by the Division of Parole and Probation.

(c) The court may extend the probation beyond the time allowed under subsection (b) of this section if:

(1) the defendant consents in writing; and

(2) the extension is only for making restitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.