

~~{H}--IF-THE-DEPARTMENT-HAS-BUDGETARY-CONSTRAINTS-IN-CARRYING
OUT-THE-PROVISIONS-OF-THIS-SECTION, OYSTER-PACKERS-DO-NOT-HAVE-TO
COMPLY-WITH-THE-PROVISIONS-OF-THIS-SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.

CHAPTER 722

(House Bill 1139)

AN ACT concerning

Criminal Procedure - Sentencing Upon Retrial

FOR the purpose of altering the conditions under which a sentencing judge is authorized to impose a more severe sentence upon the resentencing of a criminal defendant.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 12-702(b)
Annotated Code of Maryland
(1984 Replacement Volume and 1987 Supplement)

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

Article - Courts and Judicial Proceedings

12-702.

(b) If an appellate court remands a criminal case to a lower court in order that the lower court may pronounce the proper judgment or sentence, or conduct a new trial, and if there is a conviction following this new trial, the lower court may impose any sentence authorized by law to be imposed as punishment for the offense. However, it may not impose a sentence more severe than the sentence previously imposed for the offense unless:

(1) The reasons for the increased sentence affirmatively appear;