

DEFENDANT WHO HAS NOT BEEN CONVICTED OF A CRIME OF VIOLENCE TO PERFORM COMMUNITY SERVICE AND ASSIGN THE JUVENILE OR DEFENDANT TO A PARTICULAR WORK PROJECT:

(1) INSTEAD OF PAYMENT OF ANY FINES AND COURT COSTS IMPOSED;  
OR

(2) AS A CONDITION OF:

(I) PROBATION, WHETHER GRANTED UNDER ARTICLE 27, § 641 OR § 641A OF THE CODE OR OTHERWISE;

(II) A SUSPENDED SENTENCE;

(III) A CASE BEING PLACED ON A STET DOCKET; OR

(IV) A JUVENILE BEING SUBJECT TO A DIVERSIONARY PROGRAM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 726A(b).

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of the phrase "has not been convicted of a crime of violence" in the introductory language of this section is unclear. The Committee is uncertain as to whether the reference to a conviction for a "crime of violence" applies only to the current conviction or to prior convictions as well. The General Assembly may wish to clarify whether this provision was intended to apply to individuals who have a prior conviction for a crime of violence but who are currently before the court after being convicted of a crime other than a crime of violence. See also § 8-704(3) and accompanying Revisor's Note.

Defined term: "Crime of violence" § 8-701

#### 8-704. LIMITATIONS ON WORK PROJECTS.

A CRIMINAL DEFENDANT OR A JUVENILE MAY BE ASSIGNED TO PERFORM A WORK PROJECT UNDER A COMMUNITY SERVICE PROGRAM ONLY IF:

(1) THE JUVENILE OR DEFENDANT CONSENTS TO THE ASSIGNMENT;

(2) THE JUVENILE OR DEFENDANT IS NOT COMPENSATED FOR THE WORK PERFORMED; AND

(3) IN THE CASE OF A DEFENDANT, THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A CRIME OF VIOLENCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 726A(c)(2).

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of the phrase "has not been convicted of a crime of violence" in item (3) of this section is unclear. The Committee is uncertain as to whether the reference to a