

Under the former law, the protections for the safety of the alleged victim applied also to an adult defendant charged with stalking or a felony. In addition, the court or a District Court commissioner was required to consider, "as a condition of release reasonable protections for the safety of the alleged victim". These provisions are revised at § 5-201(a) of the Criminal Procedure Article. See Ch. 10, Acts of 2001, which also enacted this revision.

5-106.

(b) Notwithstanding § 9-103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary[, ] OR THAT A PERSON IS SUBJECT TO THIS SUBSECTION:

(1) [the] THE State may institute a prosecution for the [offense] MISDEMEANOR at any time; AND

(2) FOR PURPOSES OF THE MARYLAND CONSTITUTION, THE PERSON:

(I) SHALL BE DEEMED TO HAVE COMMITTED A MISDEMEANOR WHOSE PUNISHMENT IS CONFINEMENT IN THE PENITENTIARY; AND

(II) MAY RESERVE A POINT OR QUESTION FOR IN BANC REVIEW AS PROVIDED UNDER ARTICLE IV, § 22 OF THE MARYLAND CONSTITUTION.

REVISOR'S NOTE: Chapter 10, Acts of 2001, which enacted the Criminal Procedure Article, also enacted this subsection, which repeals and reenacts, with amendments, CJ § 5-106(b).

Item (2) of this subsection is added to ensure that if a person is made subject to this subsection by cross-reference: (1) the misdemeanor is not subject to a limitations period; and (2) the person charged has a right to an in banc review.

7-409. ADDITIONAL COSTS IN CRIMINAL CASES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CRIME" MEANS AN ACT COMMITTED BY A PERSON IN THE STATE THAT IS:

(I) A CRIME UNDER ARTICLE 27 OF THE CODE;

(II) A CRIME UNDER THE CRIMINAL PROCEDURE ARTICLE;

(III) A VIOLATION OF THE TRANSPORTATION ARTICLE THAT IS PUNISHABLE BY IMPRISONMENT;

(IV) A CRIME AT COMMON LAW; OR