

**CHAPTER 462****(House Bill 80)**

AN ACT concerning

**Courts - Criminal Cases - State's Right of Appeal Release of Defendant Charged with Crime of Violence Pending Appeal by the State**

FOR the purpose of ~~repealing a provision of law that requires that certain charges against a defendant be dismissed if a decision of a trial court excluding certain evidence is affirmed after an appeal by the State; repealing a provision of law that requires a defendant be released on personal recognizance bail pending the prosecution and determination of an appeal by the State from a decision of a trial court that excludes certain evidence offered by the State~~ creating a certain exception to the provision of law that requires that a certain defendant be released on personal recognizance bail pending the outcome of a certain appeal by the State; providing that a court may release a certain defendant on certain terms and conditions or may order the defendant remanded to custody pending the outcome of a certain appeal by the State; requiring that the determination and enforcement of certain conditions of release be made in accordance with certain statutory provisions; providing for the application of this Act; and generally relating to the State's right of appeal release of a criminal defendant pending the outcome of an appeal by the State.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 12-302(c)

Annotated Code of Maryland

(2002 Replacement Volume and 2003 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**

12-302.

(c) In a criminal case, the State may appeal as provided in this subsection.

(1) The State may appeal from a final judgment granting a motion to dismiss or quashing or dismissing any indictment, information, presentment, or inquisition.

(2) The State may appeal from a final judgment if the State alleges that the trial judge:

(i) Failed to impose the sentence specifically mandated by the Code; or