

(PRE-FILED)

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**By: Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services)**

Requested: October 12, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 24, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Patuxent Institution - Composition of Evaluation Team**

3 FOR the purpose of altering the number and the qualifications of the members on the  
4 evaluation team who determine whether a recommended offender meets the  
5 statutory and regulatory requirements for participation in Patuxent Institution's  
6 eligible person remediation program; defining a certain term; and generally relating  
7 to programs administered by the Patuxent Institution.

8 BY repealing and reenacting, with amendments,  
9 Article 31B - Patuxent Institution  
10 Section 1  
11 Annotated Code of Maryland  
12 (1993 Replacement Volume and 1995 Supplement)

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

15 **Article 31B - Patuxent Institution**

16 1.

17 (a) In this article, the following words have the meanings indicated unless the  
18 context clearly requires otherwise.

19 (b) "Board of review" means the institutional board of review, created by § 6.

20 (c) "Commissioner" means the Commissioner of Correction.

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1 (d) "Department" means the Department of Public Safety and Correctional  
2 Services.

3 (e) "Director" means the director of Patuxent Institution.

4 (f) (1) "Eligible person" means a person who (i) has been convicted of a crime  
5 and is serving a sentence of imprisonment with at least three years remaining on it, (ii)  
6 has an intellectual impairment or emotional unbalance, (iii) is likely to respond favorably  
7 to the programs and services provided at Patuxent Institution, (iv) can better respond to  
8 remediation through those programs and services than by other incarceration, and (v)  
9 meets the eligibility criteria established by the Secretary under § 8 of this article.

10 (2) "Eligible person" does not include a person who (i) is serving 2 or more  
11 sentences of imprisonment for life under the provisions of Article 27, § 412 of the Code,  
12 (ii) is serving 1 or more sentences of imprisonment for life when a court or jury has found,  
13 beyond a reasonable doubt, that one or more aggravating circumstances existed under the  
14 provisions of Article 27, § 413 of the Code, or (iii) has been convicted of murder in the  
15 first degree, rape in the first degree, or a sexual offense in the first degree, unless the  
16 sentencing judge, at the time of sentencing or in the exercise of the judge's revisory power  
17 under the Maryland Rules, recommends that the person be referred to the Institution for  
18 evaluation.

19 (g) "Evaluation team" means a team of at least [three professional employees of  
20 the Institution, one of whom shall be a social worker, one a psychologist, and one a  
21 psychiatrist] ~~TWO EMPLOYEES OF THE INSTITUTION WHO ARE MENTAL HEALTH~~  
22 ~~PROFESSIONALS LICENSED TO PRACTICE IN THIS STATE.~~

23 (h) "Institution" means the Patuxent Institution.

24 (I) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST,  
25 PSYCHOLOGIST, OR CERTIFIED SOCIAL WORKER WHO IS LICENSED TO PRACTICE IN  
26 THE STATE.

27 ~~(J)~~ (J) "Remediation" means treatment for specific areas of mental and social  
28 deficiencies which are highly related to criminal behavior.

29 ~~(K)~~ (K) "Secretary" means the Secretary of Public Safety and Correctional  
30 Services.

31 ~~(L)~~ (L) "Victim" means:

32 (1) A person who suffers personal physical injury or death as a direct result  
33 of a crime; or

34 (2) If the victim is deceased, a designated family member of the victim.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 1996.

