

SENATE BILL 122

E2

6lr0914
CF 6lr1051

By: **Senator Simonaire**

Introduced and read first time: January 15, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Reconsiderations of Sentences – Reporting**

3 FOR the purpose of repealing a certain requirement that a certain report of the Maryland
4 State Commission on Criminal Sentencing Policy review certain increases in certain
5 sentences; requiring the Commission to annually report certain information about
6 reconsiderations of sentences for certain crimes; requiring the Commission to review
7 each judicial circuit’s compliance with providing certain data; and generally relating
8 to reconsiderations of sentences.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 6–209
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2015 Supplement)

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

16 **Article – Criminal Procedure**

17 6–209.

18 (a) The Commission shall review annually sentencing policy and practice and, on
19 or before January 31 of each year, report to the General Assembly, in accordance with §
20 2–1246 of the State Government Article, on the activities of the preceding calendar year.

21 (b) (1) The report shall:

22 (i) include any changes to the sentencing guidelines made during
23 the preceding year;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) review judicial compliance with the sentencing guidelines,
2 including compliance by crime and by judicial circuit;

3 (iii) review reductions [or increases] in original sentences that have
4 occurred because of reconsiderations of sentences imposed under § 14–101 of the Criminal
5 Law Article; [and]

6 (iv) categorize information on the number of reconsiderations of
7 sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial
8 circuit;

9 (v) PROVIDE INFORMATION ON RECONSIDERATIONS OF
10 SENTENCES FOR CRIMES LISTED IN § 14–101(A) OF THE CRIMINAL LAW ARTICLE,
11 INCLUDING:

- 12 1. THE CRIME;
- 13 2. THE ORIGINAL SENTENCE AND SENTENCING DATE;
- 14 3. THE MODIFIED SENTENCE AND SENTENCING DATE;
- 15 4. THE REASON FOR MODIFICATION;
- 16 5. THE JUDGE GRANTING THE MODIFICATION; AND
- 17 6. THE JUDICIAL CIRCUIT OF THE SENTENCING JUDGE;

18 AND

19 (vi) REVIEW COMPLIANCE BY EACH JUDICIAL CIRCUIT WITH
20 PROVIDING DATA TO THE COMMISSION IN ACCORDANCE WITH ITEMS (iv) AND (v) OF
21 THIS PARAGRAPH.

22 (2) The Commission shall consider a sentence to a corrections options
23 program to be within the sentencing guidelines if the sentence falls within a corrections
24 options zone shown on the matrix.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2016.