

SENATE BILL 1005

E4, E1

(6lr2751)

ENROLLED BILL

— *Judicial Proceedings/Judiciary and Health and Government Operations* —

Introduced by **The President (By Request – Justice Reinvestment Coordinating Council)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Justice Reinvestment Act**

3 ~~FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk~~
4 ~~and needs assessment on certain inmates and include the results in certain case~~
5 ~~records; establishing requirements for a certain case plan; requiring the Division of~~
6 ~~Correction to have a certain study conducted at certain intervals on a certain~~
7 ~~assessment tool for a certain purpose; increasing a certain monthly deduction~~
8 ~~allowed to an inmate of a State correctional facility whose term of confinement~~
9 ~~includes a certain sentence for a certain crime of manufacturing, distributing,~~
10 ~~dispensing, or possessing a controlled dangerous substance; increasing the~~
11 ~~maximum monthly deductions allowed to an inmate of a State correctional facility~~
12 ~~for manifesting satisfactory progress in certain work projects or programs;~~
13 ~~increasing the maximum number of diminution credits that an inmate of a State~~
14 ~~correctional facility may earn in a month; requiring the Division of Parole and~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to modify the conditions of probation or suspension of sentence for the purpose of imposing certain graduated sanctions; requiring the Division of Parole and Probation to report to the court on certain violations and certain graduated sanctions imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual's supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to transfer a certain individual to a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the Division of Parole and Probation Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission members, and hearing officers to undergo certain annual training; requiring the Department of Public Safety and Correctional Services, by a certain date, to establish a program to implement certain sanctions for certain violations of conditions of community supervision by a certain individual; requiring the Department of Public Safety and Correctional Services to adopt certain policies and procedures to implement certain programs; requiring the Department to develop a certain matrix for a certain purpose; authorizing the Division of Parole and Probation to modify conditions of community supervision for a certain individual for the limited purpose of imposing certain sanctions; authorizing requiring the Division of Parole and Probation to refer a certain individual to the court or the Maryland Parole Commission for additional sanctions; requiring the Division of Parole and Probation to issue a certificate of rehabilitation to a certain individual; providing that a certificate of rehabilitation precludes a licensing board from disqualifying an applicant from professional or occupational licensure or certification because of a certain criminal conviction shall be considered by a licensing board when considering the qualifications of an applicant for a professional or occupational licensure or certification; providing that~~

~~an individual may receive only one certificate of rehabilitation under certain circumstances; requiring the Division of Parole and Probation to adopt regulations establishing an application and review process for a certificate of rehabilitation that allows certain parties to object to the issuance of the certificate of rehabilitation; altering the exclusive powers of the Maryland Parole Commission; requiring the Maryland Parole Commission to request that the Division of Parole and Probation conduct a certain investigation for an inmate in a local correctional facility; requiring the Maryland Parole Commission to request that the Division of Correction conduct a certain investigation for an inmate in a State correctional facility; requiring certain investigations to be submitted at certain times; requiring the Maryland Parole Commission to consider the results of a certain investigation, develop a certain case plan, and provide certain notifications to certain victims and a State's Attorney; providing that a certain inmate be released on administrative parole release under certain circumstances; establishing that a victim has certain rights related to administrative parole; requiring that an inmate's debilitation or incapacitation be permanent to qualify for medical parole; requiring the Maryland Parole Commission to consider certain medical evaluations before granting medical parole; repealing a requirement that a Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time; authorizing a parole commissioner to impose a certain period of imprisonment under certain circumstances; authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances; authorizing a commissioner to revoke certain diminution credits previously earned by a certain individual under certain circumstances; altering certain deductions from an certain inmate's earnings to be used for certain purposes; altering a certain monthly deduction from postsentence confinement allowed to a certain inmate of a local correctional facility; altering the maximum penalty for murder in the second degree; altering the maximum penalty for kidnapping; altering certain penalties for possession of a controlled dangerous substance; altering certain penalties for possession of marijuana; requiring authorizing the court to order the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant for drug dependence and provide a certain assessment before imposing a sentence for possession of a controlled dangerous substance; requiring the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant and provide an assessment regarding drug treatment to certain parties; requiring the court to incorporate consider a certain assessment into a sentence for possession of a controlled dangerous substance in a certain manner; requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person; establishing that a court may impose certain mandatory minimum sentences only for certain drug offenses under certain circumstances; requiring the court to state on the record the reason for departing from certain mandatory minimum sentences; authorizing a certain person to apply to the court to modify or reduce a certain sentence under certain circumstances in a certain manner; increasing the amount of crack cocaine to be the same as the amount of powder cocaine that is required to trigger enhanced penalties for certain drug offenders; altering the penalties for theft, issuing or passing a bad check, credit card~~

~~fraud, identity fraud, counterfeiting, and exploitation of a vulnerable adult; providing that a certain geriatric parole procedure does not apply to a certain sexual offender; altering the age and incarceration time served thresholds for eligibility for geriatric parole; requiring the State Commission on Criminal Sentencing Policy to review judicial compliance with certain guidelines for suspended sentences and include a suspended portion of a sentence in the determination of whether a sentence is compliant with certain sentencing guidelines; authorizing a court to impose a certain period of incarceration for a certain person who has violated a condition of probation under certain circumstances; authorizing a certain person to file a petition for expungement of certain offenses under certain circumstances; establishing certain procedures for a certain expungement under certain circumstances; authorizing the court to depart from certain periods of imprisonment under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services; requiring the Department of Health and Mental Hygiene to facilitate certain treatment without unnecessary delay and in no event no later than a certain time period after a certain order; repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding; authorizing the court to require the Department of Health and Mental Hygiene to appear in court to explain a certain lack of placement delay under certain circumstances; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting of the Board; establishing the Performance Incentive County Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; requiring the Governor's Office of Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; requiring local correction authorities in consultation with certain departments to conduct a certain budget analysis and submit a report on or before a certain date; stating the intent of the General Assembly; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; making conforming~~

~~changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment.~~

FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk and needs assessment on certain inmates and include the results in certain case records; establishing requirements for a certain case plan; requiring the Division of Correction to have a certain study conducted at certain intervals on a certain assessment tool for a certain purpose; increasing a certain monthly deduction allowed to an inmate of a State correctional facility whose term of confinement includes a certain sentence for a certain crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; expanding the types of programs for which a certain inmate may receive a certain deduction from the inmate's term of confinement under certain circumstances for a certain purpose; increasing the maximum monthly deductions allowed to an inmate of a State correctional facility for manifesting satisfactory progress in certain work projects or programs; increasing the maximum number of diminution credits that a certain inmate of a State correctional facility may earn in a month; requiring the Division of Parole and Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain screening tool or a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to impose certain graduated sanctions; requiring the Division of Parole and Probation to provide prompt notice to the court on certain violations and certain graduated sanctions imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual's supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to place a certain individual on a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring certain savings to revert to the Performance Incentive Grant Program Fund, rather than the General Fund; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission

1 members, and hearing officers to undergo certain annual training; requiring the
2 Department of Public Safety and Correctional Services, by a certain date, to establish
3 a program to implement certain sanctions for certain violations of conditions of
4 community supervision by a certain individual; requiring the Department of Public
5 Safety and Correctional Services to adopt certain policies and procedures to
6 implement certain programs and to ensure that certain protections are in place for a
7 certain individual; requiring the Department to develop a certain matrix for a certain
8 purpose; requiring the Division of Parole and Probation to refer a certain individual
9 to the court or the Maryland Parole Commission for additional sanctions; requiring
10 the Division of Parole and Probation to issue a certificate of rehabilitation to a certain
11 individual; prohibiting a certain licensing board from denying an occupational
12 license to a certain applicant for a certain reason; providing that an individual may
13 receive only one certificate of rehabilitation under certain circumstances; providing
14 that the Court of Appeals is not a licensing board for a certain purpose; requiring the
15 Division of Parole and Probation to adopt regulations establishing an application
16 and review process for a certificate of rehabilitation that allows certain parties to
17 object to the issuance of the certificate of rehabilitation; altering the exclusive powers
18 of the Maryland Parole Commission; altering the parole eligibility for a certain
19 inmate who is serving a sentence for a third or subsequent conviction of a certain
20 felony violation committed on or after a certain date; requiring the Maryland Parole
21 Commission to conduct a certain investigation for an inmate in a correctional facility;
22 requiring certain investigations to be submitted at certain times; requiring the
23 Maryland Parole Commission to consider the results of a certain investigation,
24 develop a certain case plan, and provide certain notifications to certain victims;
25 requiring the Division of Correction and local correction facilities to conduct a certain
26 review, make certain progress reports, and provide certain input; providing that a
27 certain inmate be released on administrative release under certain circumstances;
28 establishing that a victim has certain rights related to administrative release;
29 requiring that an inmate's debilitation or incapacitation be chronic to qualify for
30 medical parole; requiring the Maryland Parole Commission to consider a certain
31 medical recommendation or evaluation before granting medical parole; repealing a
32 requirement that the Governor approve medical parole for an individual serving a
33 certain sentence; providing that the Governor may disapprove a medical parole
34 recommendation for a certain individual serving a certain sentence within a certain
35 time; authorizing a parole commissioner to impose a certain period of imprisonment
36 under certain circumstances; authorizing the Commissioner to depart from certain
37 periods of incarceration under certain circumstances; authorizing a commissioner to
38 revoke certain diminution credits previously earned by a certain individual under
39 certain circumstances; requiring the State to provide each county a certain grant for
40 each day that a certain inmate received certain programming or services from a
41 certain local correctional facility at a certain time; altering certain deductions from a
42 certain inmate's earnings to be used for certain purposes; altering a certain monthly
43 deduction from postsentence confinement allowed to a certain inmate of a local
44 correctional facility; altering the maximum penalty for murder in the second degree;
45 altering the maximum penalty for first-degree child abuse that results in the death of
46 a victim under a certain age; altering the maximum penalty for child abuse that
47 results in the death of the victim after a previous conviction for child abuse; altering

1 certain penalties for certain offenses relating to controlled dangerous substances;
2 altering certain penalties for possession of marijuana; authorizing the court to order
3 the Department of Health and Mental Hygiene to evaluate a defendant for drug
4 dependence and provide a certain assessment before imposing a sentence for
5 possession of a controlled dangerous substance; requiring the Department of Health
6 and Mental Hygiene to evaluate a defendant and provide an assessment regarding
7 drug treatment to certain parties; requiring the court to consider a certain assessment
8 into a sentence for possession of a controlled dangerous substance in a certain manner;
9 requiring the Division of Correction or a local facility to facilitate certain treatment
10 for a certain person; repealing mandatory minimum sentences for certain offenses
11 involving distribution of a controlled dangerous substance; authorizing a person who
12 is serving a certain mandatory minimum sentence to apply to the court to modify or
13 reduce the mandatory minimum sentence under certain circumstances; increasing the
14 amount of crack cocaine to be the same as the amount of powder cocaine that is
15 required to trigger enhanced penalties for certain drug offenders; providing that a
16 certain person whose previous conviction was for violation of a certain provision of
17 law is subject to a certain penalty only under certain circumstances; altering the
18 penalties for theft, issuing or passing a bad check, credit card fraud, identity fraud,
19 counterfeiting, and exploitation of a vulnerable adult; altering the penalties for
20 certain offenses relating to criminal gangs; prohibiting a criminal gang or an
21 individual belonging to a criminal gang from receiving or investing certain proceeds
22 in a certain manner; prohibiting criminal gangs and persons involved with criminal
23 gangs from obtaining certain property under certain circumstances; prohibiting a
24 person from conspiring to commit certain violations relating to criminal gangs;
25 allowing a court to order a divestiture of certain property and to take certain other
26 actions relating to criminal gangs and persons involved with criminal gangs; altering
27 certain penalties; authorizing the Governor to request the Attorney General to aid in
28 certain investigations or prosecutions; prohibiting a person from promoting or
29 sponsoring a criminal gang; establishing certain venue provisions for certain offenses;
30 providing that a certain geriatric parole procedure does not apply to a certain sexual
31 offender; altering the age threshold for eligibility for geriatric parole; authorizing a
32 court to impose a certain period of incarceration for a certain person who has violated
33 a condition of probation under certain circumstances; authorizing the court to depart
34 from certain periods of incarceration under certain circumstances; authorizing a
35 certain person to file a petition for expungement of certain offenses under certain
36 circumstances; establishing certain procedures for a certain expungement under
37 certain circumstances; requiring the Department of Health and Mental Hygiene to
38 immediately provide certain services, except under certain circumstances; requiring
39 the Department of Health and Mental Hygiene to facilitate certain treatment no later
40 than a certain time period after a certain order; repealing certain limitations on
41 certain duties of the Department of Health and Mental Hygiene relating to funding;
42 authorizing the court to require the Department of Health and Mental Hygiene to
43 appear in court to explain a certain delay under certain circumstances; establishing
44 the Addiction Treatment Divestiture Fund as a special, nonlapsing fund in the
45 Department of Health and Mental Hygiene; specifying the purposes of the Fund;
46 requiring the Secretary of Health and Mental Hygiene to administer the Fund;
47 requiring the State Treasurer to hold the Fund and the Comptroller to account for the

Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of the Fund; exempting the Fund from a certain provision of law that requires interest on State money in special funds to accrue to the General Fund; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting requirements of the Board; establishing the Performance Incentive Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; repealing certain provisions of law relating to the Justice Reinvestment Coordinating Council; requiring the Governor's Office of Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services, in consultation with certain organizations, to review and make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for certain individuals and the criminalization of occupational licenses and to make certain recommendations regarding occupational licensing laws and report to the Governor and General Assembly on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; providing for the application of certain provisions of this Act; requiring the Administrative Office of the Courts to submit a certain annual report to the General Assembly; requiring the Justice Reinvestment Oversight Board to submit a certain report to the Governor and General Assembly on or before a certain date; requiring local correction authorities in consultation with certain departments to conduct a certain budget analysis and submit a report on or before a certain date; providing for a delayed effective date for certain provisions of this Act; making conforming changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment.

~~BY repealing and reenacting, with amendments,
Article — Correctional Services~~

1 ~~Section 3-601, 3-704, 3-707, 3-708, 6-101, 6-104, 6-111, 6-117, 7-205, 7-305,~~
2 ~~7-309, 7-401, 7-504, and 11-504~~
3 ~~Annotated Code of Maryland~~
4 ~~(2008 Replacement Volume and 2015 Supplement)~~

5 ~~BY repealing and reenacting, without amendments,~~
6 ~~Article—Correctional Services~~
7 ~~Section 3-705, 3-706, 7-101(a) and (m), 7-103, and 7-301(a)~~
8 ~~Annotated Code of Maryland~~
9 ~~(2008 Replacement Volume and 2015 Supplement)~~

10 ~~BY adding to~~
11 ~~Article—Correctional Services~~
12 ~~Section 6-119, 6-120, 6-121, 7-104, 7-301.1, and 9-614~~
13 ~~Annotated Code of Maryland~~
14 ~~(2008 Replacement Volume and 2015 Supplement)~~

15 ~~BY repealing~~
16 ~~Article—Correctional Services~~
17 ~~Section 11-604~~
18 ~~Annotated Code of Maryland~~
19 ~~(2008 Replacement Volume and 2015 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article—Criminal Law~~
22 ~~Section 2-204, 3-502, and 5-601~~
23 ~~Annotated Code of Maryland~~
24 ~~(2012 Replacement Volume and 2015 Supplement)~~
25 ~~(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)~~

26 ~~BY repealing and reenacting, with amendments,~~
27 ~~Article—Criminal Law~~
28 ~~Section 5-601.1, 5-607, 5-608, 5-609, 5-609.1, 5-612, 7-104(g), 7-108, 8-106,~~
29 ~~8-206, 8-207, 8-209, 8-301(g), 8-516, 8-611, and 8-801(e), and 14-101~~
30 ~~Annotated Code of Maryland~~
31 ~~(2012 Replacement Volume and 2015 Supplement)~~

32 ~~BY repealing and reenacting, without amendments,~~
33 ~~Article—Criminal Law~~
34 ~~Section 7-104(a) through (f), 8-301(a), (b), (b-1), and (c) through (f), and 8-801(a)~~
35 ~~and (b)~~
36 ~~Annotated Code of Maryland~~
37 ~~(2012 Replacement Volume and 2015 Supplement)~~

38 ~~BY repealing and reenacting, without amendments,~~
39 ~~Article—Criminal Procedure~~
40 ~~Section 1-101(a)~~

- 1 ~~Annotated Code of Maryland~~
2 ~~(2008 Replacement Volume and 2015 Supplement)~~
- 3 ~~BY adding to~~
4 ~~Article — Criminal Procedure~~
5 ~~Section 1-101(p)~~
6 ~~Annotated Code of Maryland~~
7 ~~(2008 Replacement Volume and 2015 Supplement)~~
- 8 ~~BY repealing and reenacting, with amendments,~~
9 ~~Article — Criminal Procedure~~
10 ~~Section 6-209, 1-101, 6-223, 6-224, and 11-810(b)~~
11 ~~Annotated Code of Maryland~~
12 ~~(2008 Replacement Volume and 2015 Supplement)~~
- 13 ~~BY adding to~~
14 ~~Article — Criminal Procedure~~
15 ~~Section 10-110~~
16 ~~Annotated Code of Maryland~~
17 ~~(2008 Replacement Volume and 2015 Supplement)~~
- 18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article — Health — General~~
20 ~~Section 8-505 and 8-507~~
21 ~~Annotated Code of Maryland~~
22 ~~(2015 Replacement Volume)~~
- 23 ~~BY repealing and reenacting, without amendments,~~
24 ~~Article — State Finance and Procurement~~
25 ~~Section 6-226(a)(2)(i)~~
26 ~~Annotated Code of Maryland~~
27 ~~(2015 Replacement Volume)~~
- 28 ~~BY repealing and reenacting, with amendments,~~
29 ~~Article — State Finance and Procurement~~
30 ~~Section 6-226(a)(2)(ii) 84 and 85.~~
31 ~~Annotated Code of Maryland~~
32 ~~(2015 Replacement Volume)~~
- 33 ~~BY adding to~~
34 ~~Article — State Finance and Procurement~~
35 ~~Section 6-226(a)(2)(ii) 86.~~
36 ~~Annotated Code of Maryland~~
37 ~~(2015 Replacement Volume)~~
- 38 ~~BY adding to~~
39 ~~Article — State Government~~

1 ~~Section 9-3201 through 9-3212 to be under the new subtitle “Subtitle 32. Justice~~
 2 ~~Reinvestment Oversight Board”~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2014 Replacement Volume and 2015 Supplement)~~

5 ~~BY repealing and reenacting, without amendments,~~
 6 ~~Article – Transportation~~
 7 ~~Section 27-101(b)~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2012 Replacement Volume and 2015 Supplement)~~

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article – Transportation~~
 12 ~~Section 27-101(e) and (y)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2012 Replacement Volume and 2015 Supplement)~~

15 ~~BY adding to~~
 16 ~~Article – Transportation~~
 17 ~~Section 27-101(gg)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2012 Replacement Volume and 2015 Supplement)~~

20 *BY repealing*
 21 *Article – Public Safety*
 22 *Section 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment*
 23 *Coordinating Council”*
 24 *Annotated Code of Maryland*
 25 *(2011 Replacement Volume and 2015 Supplement)*

26 *BY repealing and reenacting, with amendments,*
 27 *Article – Correctional Services*
 28 *Section 3-601, 3-704, 3-706, 3-707, 3-708, 6-101, 6-104, 6-111, 6-117, 7-205,*
 29 *7-305, 7-309, 7-401, 7-504, 9-402, and 11-504*
 30 *Annotated Code of Maryland*
 31 *(2008 Replacement Volume and 2015 Supplement)*

32 *BY repealing and reenacting, without amendments,*
 33 *Article – Correctional Services*
 34 *Section 3-705, 7-101(a) and (m), 7-103, and 7-301(a)*
 35 *Annotated Code of Maryland*
 36 *(2008 Replacement Volume and 2015 Supplement)*

37 *BY adding to*
 38 *Article – Correctional Services*
 39 *Section 6-119, 6-120, 6-121, 7-104, 7-301(e), 7-301.1, and 9-614*
 40 *Annotated Code of Maryland*

- 1 (2008 Replacement Volume and 2015 Supplement)
- 2 BY repealing
3 Article – Correctional Services
4 Section 11–604
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2015 Supplement)
- 7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 5–601(a) and (b), 5–602 through 5–606, 7–104(a) through (f), 8–301(a), (b),
10 (b–1), and (c) through (f), and 8–801(a) and (b)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2015 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 2–204, 3–601, and 5–601(c)(1) and (2)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2015 Supplement)
18 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)
- 19 BY adding to
20 Article – Criminal Law
21 Section 5–601(e), 5–609.1, and 9–807
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2015 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article – Criminal Law
26 Section 5–607, 5–608, 5–609, 5–612, 5–905, 7–104(g), 7–108, 8–106, 8–206, 8–207,
27 8–209, 8–301(g), 8–516, 8–611, 8–801(c), 9–801 through 9–805, and 14–101
28 Annotated Code of Maryland
29 (2012 Replacement Volume and 2015 Supplement)
- 30 BY repealing
31 Article – Criminal Law
32 Section 5–609.1
33 Annotated Code of Maryland
34 (2012 Replacement Volume and 2015 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Criminal Procedure
37 Section 1–101, 6–223, 6–224, and 11–819(b)
38 Annotated Code of Maryland
39 (2008 Replacement Volume and 2015 Supplement)

1 BY adding to
2 Article – Criminal Procedure
3 Section 10–110
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 8–505 and 8–507
9 Annotated Code of Maryland
10 (2015 Replacement Volume)

11 BY adding to
12 Article – Health – General
13 Section 8–6D–01 to be under the new subtitle “Subtitle 6D. Addiction Treatment
14 Divestiture Fund”
15 Annotated Code of Maryland
16 (2015 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 6–226(a)(2)(ii)86.
20 Annotated Code of Maryland
21 (2015 Replacement Volume)
22 (As enacted by Section 3 of this Act)

23 BY adding to
24 Article – State Finance and Procurement
25 Section 6–226(a)(2)(ii)87.
26 Annotated Code of Maryland
27 (2015 Replacement Volume)
28 (As enacted by Section 3 of this Act)

29 BY repealing and reenacting, without amendments,
30 Article – State Finance and Procurement
31 Section 6–226(a)(2)(i)
32 Annotated Code of Maryland
33 (2015 Replacement Volume)

34 BY repealing and reenacting, with amendments,
35 Article – State Finance and Procurement
36 Section 6–226(a)(2)(ii)84. and 85.
37 Annotated Code of Maryland
38 (2015 Replacement Volume)

39 BY adding to
40 Article – State Finance and Procurement

1 Section 6-226(a)(2)(ii)86.
 2 Annotated Code of Maryland
 3 (2015 Replacement Volume)

4 BY adding to
 5 Article – State Government
 6 Section 9-3201 through 9-3212 to be under the new subtitle “Subtitle 32. Justice
 7 Reinvestment Oversight Board”
 8 Annotated Code of Maryland
 9 (2014 Replacement Volume and 2015 Supplement)

10 BY repealing and reenacting, without amendments,
 11 Article – Transportation
 12 Section 27-101(b)
 13 Annotated Code of Maryland
 14 (2012 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article – Transportation
 17 Section 27-101(c)
 18 Annotated Code of Maryland
 19 (2012 Replacement Volume and 2015 Supplement)

20 BY adding to
 21 Article – Transportation
 22 Section 27-101(gg)
 23 Annotated Code of Maryland
 24 (2012 Replacement Volume and 2015 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 26 That Section(s) 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment
 27 Coordinating Council” of Article – Public Safety of the Annotated Code of Maryland be
 28 repealed.

29 SECTION ~~1~~ 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 30 MARYLAND, That the Laws of Maryland read as follows:

31 ~~Article – Correctional Services~~

32 ~~§ 601.~~

33 ~~(a) IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING~~
 34 ~~STATED IN § 6-101 OF THIS ARTICLE.~~

35 ~~(b) Promptly after an inmate is sentenced to the jurisdiction of the Division, the~~
 36 ~~Division shall assemble an adequate case record for the inmate that includes:~~

- 1 ~~(1) a description of the inmate;~~
 2 ~~(2) a photograph of the inmate;~~
 3 ~~(3) the family history of the inmate;~~
 4 ~~(4) any previous record of the inmate;~~
 5 ~~(5) a summary of the facts of each case for which the inmate is serving a~~
 6 ~~sentence; [and]~~

7 ~~(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE~~
 8 ~~REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

9 ~~[(6)] (7) the results of the physical, mental, and educational examination~~
 10 ~~of the inmate required under subsection [(b)] (C) of this section.~~

11 ~~[(b)] (C) The Division shall conduct A RISK AND NEEDS ASSESSMENT AND a~~
 12 ~~physical, mental, and educational examination of an inmate as soon as feasible after the~~
 13 ~~individual is sentenced to the jurisdiction of the Division.~~

14 ~~[(c)] (D) (1) Based on the information assembled under subsection [(a)] (B)~~
 15 ~~of this section, the Division shall classify an inmate and [assign the inmate to any available~~
 16 ~~treatment, training, or employment that the Division considers appropriate] DEVELOP A~~
 17 ~~CASE PLAN TO GUIDE AN INMATE'S REHABILITATION WHILE UNDER THE CUSTODY~~
 18 ~~OF THE DIVISION.~~

19 ~~(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL~~
 20 ~~INCLUDE:~~

21 ~~(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS~~
 22 ~~BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER~~
 23 ~~SUBSECTION (C) OF THIS SECTION; AND~~

24 ~~(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES~~
 25 ~~AND POLICIES OF THE DIVISION; AND~~

26 ~~(III) A PLAN FOR THE PAYMENT OF RESTITUTION, IF~~
 27 ~~RESTITUTION HAS BEEN ORDERED.~~

28 ~~[(d)] (E) In accordance with regulations adopted by the Division, the managing~~
 29 ~~official of each correctional facility shall maintain, as a part of an inmate's case record:~~

1 ~~(1) an adequate record of the conduct, effort, and progress of the inmate~~
2 ~~during confinement; and~~

3 ~~(2) a record of the character of any offense committed by the inmate and~~
4 ~~the nature and amount of punishment inflicted.~~

5 ~~[(c)] (F) To identify an inmate, the Division may photograph and fingerprint the~~
6 ~~inmate and record a description of the inmate's personal background data.~~

7 ~~§ 704.~~

8 ~~(a) An inmate shall be allowed a deduction in advance from the inmate's term of~~
9 ~~confinement.~~

10 ~~(b) (1) The deduction allowed under subsection (a) of this section shall be~~
11 ~~calculated:~~

12 ~~(i) from the first day of commitment to the custody of the~~
13 ~~Commissioner through the last day of the inmate's term of confinement;~~

14 ~~(ii) except as provided in paragraph (2) of this subsection, at the rate~~
15 ~~of 10 days for each calendar month; and~~

16 ~~(iii) on a prorated basis for any portion of a calendar month.~~

17 ~~(2) If an inmate's term of confinement includes a consecutive or concurrent~~
18 ~~sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article [or], A~~
19 ~~SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11,~~
20 ~~SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE, OR a crime of manufacturing,~~
21 ~~distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§~~
22 ~~5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction~~
23 ~~described in subsection (a) of this section shall be calculated at the rate of 5 days for each~~
24 ~~calendar month.~~

25 ~~(e) A deduction under this section may not be allowed for a period during which~~
26 ~~an inmate does not receive credit for service of the inmate's term of confinement, including~~
27 ~~a period:~~

28 ~~(1) during which the inmate's sentence is stayed;~~

29 ~~(2) during which the inmate is not in the custody of the Commissioner~~
30 ~~because of escape; or~~

31 ~~(3) for which the Maryland Parole Commission has declined to grant credit~~
32 ~~after revocation of parole or mandatory supervision.~~

1 ~~§ 705.~~

2 ~~(a) (1) In addition to any other deductions allowed under this subtitle, an~~
3 ~~inmate may be allowed a deduction of 5 days from the inmate's term of confinement for~~
4 ~~each calendar month during which the inmate manifests satisfactory performance of~~
5 ~~assigned work tasks.~~

6 ~~(2) The deduction described in paragraph (1) of this subsection shall be~~
7 ~~calculated:~~

8 ~~(i) from the first day that the work task is performed; and~~

9 ~~(ii) on a prorated basis for any portion of a calendar month during~~
10 ~~which the inmate performed the work task.~~

11 ~~(b) The Commissioner shall adopt regulations governing the determination of~~
12 ~~deductions authorized under this section.~~

13 ~~§ 706.~~

14 ~~(a) In addition to any other deductions allowed under this subtitle, an inmate may~~
15 ~~be allowed a deduction of 5 days from the inmate's term of confinement for each calendar~~
16 ~~month during which the inmate manifests satisfactory progress in:~~

17 ~~(1) vocational courses; or~~

18 ~~(2) other educational and training courses.~~

19 ~~(b) The deduction described in subsection (a) of this section shall be calculated:~~

20 ~~(1) from the first day that the inmate participates in the course; and~~

21 ~~(2) on a prorated basis for any portion of the calendar month during which~~
22 ~~the inmate participates in the course.~~

23 ~~§ 707.~~

24 ~~(a) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
25 ~~SUBSECTION, IN addition to any other deductions allowed under this subtitle, an inmate~~
26 ~~may be allowed a deduction of up to [10] 20 days from the inmate's term of confinement for~~
27 ~~each calendar month during which the inmate manifests satisfactory progress in those~~
28 ~~special selected work projects or other special programs, INCLUDING RECIDIVISM~~
29 ~~REDUCTION PROGRAMMING, designated by the Commissioner and approved by the~~
30 ~~Secretary.~~

~~(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL LAW PROCEDURE ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR MONTH.~~

~~(b) A deduction described in subsection (a) of this section shall be calculated:~~

~~(1) from the first day that the inmate is assigned to the work project or program; and~~

~~(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.~~

~~§ 708.~~

~~Notwithstanding any other provision of this subtitle, an inmate may not be allowed a deduction under this subtitle of more than [20]:~~

~~(1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN § 3-707(A)(2) OF THIS SUBTITLE; AND~~

~~(2) 30 days for a calendar month FOR ALL OTHER INMATES.~~

~~§ 101.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) (1) "ABSCONDING" MEANS DISPLAYING AFFIRMATIVE BEHAVIOR WITH THE INTENT TO EVADE SUPERVISION.~~

~~(2) "ABSCONDING" DOES NOT INCLUDE MISSING A SINGLE APPOINTMENT WITH A SUPERVISING AUTHORITY.~~

~~(c) "Commission" means the Maryland Parole Commission.~~

~~(d) (D) "Crime of violence" has the meaning stated in § 14-101 of the Criminal Law Article.~~

~~(d) (E) "CRIMINAL RISK FACTORS" MEANS AN INDIVIDUAL'S CHARACTERISTICS AND BEHAVIORS THAT:~~

1 ~~(1) AFFECT THE INDIVIDUAL'S RISK OF ENGAGING IN CRIMINAL~~
2 ~~BEHAVIOR; AND~~

3 ~~(2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT,~~
4 ~~SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF~~
5 ~~CRIMINAL BEHAVIOR.~~

6 ~~[(d)] (E) (F) "Director" means the Director of the Division or the Director's designee.~~

7 ~~[(e)] (F) (G) "Division" means the Division of Parole and Probation.~~

8 ~~[(f)] (G) (H) "Mandatory supervision" has the meaning stated in § 7-101 of this~~
9 ~~article.~~

10 ~~[(g)] (H) (I) "Offender" means an individual on parole or under mandatory~~
11 ~~supervision.~~

12 ~~[(h)] (I) (J) "Parolee" means an individual who has been released on parole.~~

13 ~~[(i)] (J) (K) "Program" means a home detention program established under § 6-108~~
14 ~~of this subtitle.~~

15 ~~(K) (L) "RISK AND NEEDS ASSESSMENT" MEANS AN ACTUARIAL TOOL~~
16 ~~VALIDATED ON THE STATE'S CORRECTIONAL POPULATION THAT DETERMINES:~~

17 ~~(1) AN INDIVIDUAL'S RISK OF REOFFENDING; AND~~

18 ~~(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE~~
19 ~~THE INDIVIDUAL'S RISK OF REOFFENDING.~~

20 ~~(L) (M) "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION~~
21 ~~OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:~~

22 ~~(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A~~
23 ~~STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;~~

24 ~~(2) A CONVICTION; OR~~

25 ~~(3) A VIOLATION OF A NO CONTACT OR STAY AWAY ORDER; OR~~

26 ~~(4) ABSCONDING.~~

27 ~~6-104.~~

1 ~~(a) Subject to the authority of the Secretary and in addition to any other duties~~
2 ~~established by law, the Division:~~

3 ~~(1) shall:~~

4 ~~(I) ADMINISTER A RISK AND NEEDS ASSESSMENT VALIDATED~~
5 ~~SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION~~
6 ~~UNDER THE SUPERVISION OF THE DIVISION;~~

7 ~~(II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP~~
8 ~~AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR MANDATORY~~
9 ~~SUPERVISION WHO HAS BEEN ASSESSED SCREENED AS MODERATE OR HIGH RISK TO~~
10 ~~REOFFEND;~~

11 ~~[(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON~~
12 ~~PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED~~
13 ~~SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM~~
14 ~~ITEMS (I) OR (II) OF THIS ITEM;~~

15 ~~[(ii)] (IV) supervise an individual under mandatory supervision~~
16 ~~until the expiration of the individual's maximum term or terms of confinement;~~

17 ~~(V) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE~~
18 ~~CONDITIONS OF PAROLE AND MANDATORY SUPERVISION FOR THE PURPOSE OF~~
19 ~~IMPOSING GRADUATED SANCTIONS UNDER § 6 121 OF THIS SUBTITLE IN RESPONSE~~
20 ~~TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 7 401~~
21 ~~OR § 7 504 OF THIS ARTICLE;~~

22 ~~[(iii)] (VI) regularly inform the Commission of the activities of~~
23 ~~offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE~~
24 ~~COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6 121 OF THIS~~
25 ~~SUBTITLE;~~

26 ~~[(iv)] (VII) issue a warrant for the retaking of an offender charged~~
27 ~~with a violation of a condition of parole or mandatory supervision, if this authority is~~
28 ~~delegated by the Commission to the Director of the Division; and~~

29 ~~[(v)] (VIII) administer the Drinking Driver Monitor Program, collect~~
30 ~~supervision fees, and adopt guidelines for collecting the monthly program fee assessed in~~
31 ~~accordance with § 6 115 of this subtitle; and~~

32 ~~(2) may recommend:~~

33 ~~(i) that the Commission modify any condition of parole or~~
34 ~~mandatory supervision; and~~

1 (ii) ~~that the Commission issue a warrant for the retaking of an~~
2 ~~offender.~~

3 (b) ~~Funding for the Drinking Driver Monitor Program shall be as provided in the~~
4 ~~State budget.~~

5 ~~6-111.~~

6 ~~If a court suspends the sentence of an individual convicted of a crime and orders the~~
7 ~~individual to continue under the supervision of the Division for a specified time or until~~
8 ~~ordered otherwise, the Division shall:~~

9 (1) ~~[supervise the conduct of] ADMINISTER A RISK AND NEEDS~~
10 ~~ASSESSMENT ON the individual;~~

11 (2) ~~[determine whether the individual is complying with the conditions of~~
12 ~~probation or suspension of sentence] SUPERVISE THE INDIVIDUAL BASED ON THE~~
13 ~~RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM (1) OF~~
14 ~~THIS SECTION; [and]~~

15 (3) ~~DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL~~
16 ~~ASSESSED AS MODERATE OR HIGH RISK TO REOFFEND;~~

17 (4) ~~NOTWITHSTANDING ANY OTHER LAW, MODIFY THE CONDITIONS~~
18 ~~OF PROBATION OR SUSPENSION OF SENTENCE FOR THE PURPOSE OF IMPOSING~~
19 ~~IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO~~
20 ~~TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 6-223 OR §~~
21 ~~6-224 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

22 ~~(3) (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY~~
23 ~~TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED~~
24 ~~UNDER § 6-121 OF THIS SUBTITLE; AND~~

25 (6) ~~report to the court on the individual's compliance AND, IF REQUESTED~~
26 ~~BY THE COURT, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS~~
27 ~~SUBTITLE.~~

28 ~~6-117.~~

29 (a) (1) ~~In this section the following words have the meanings indicated.~~

30 (2) ~~“Abatement” means an end to active supervision of a supervised~~
31 ~~individual, without effect on the legal expiration date of the case or the supervised~~
32 ~~individual's obligation to:~~

- 1 (i) ~~obey all laws; AND~~
- 2 (ii) ~~[report as instructed; and~~
- 3 (iii)] ~~obtain written permission from the Division of Parole and~~
 4 ~~Probation before relocating the supervised individual's residence outside the State.~~

5 (3) ~~“Earned compliance credit” means a 20-day reduction from the period~~
 6 ~~of active supervision of the supervised individual for every month that a supervised~~
 7 ~~individual:~~

8 (i) ~~exhibits [full compliance] PROGRESS COMPLIANCE with the~~
 9 ~~conditions[,] AND goals[, and treatment as part] of the supervised individual's probation,~~
 10 ~~parole, or mandatory release supervision, as determined by the Department;~~

11 (ii) ~~has no new arrests;~~

12 (iii) ~~has not violated any conditions of no contact imposed on the~~
 13 ~~supervised individual;~~

14 (iv) ~~is current on court-ordered payments for restitution, fines, and~~
 15 ~~fees relating to the offense for which earned compliance credits are being accrued; and~~

16 (v) ~~is current in completing any community supervision~~
 17 ~~requirements included in the conditions of the supervised individual's probation, parole, or~~
 18 ~~mandatory release supervision.~~

19 (4) (i) ~~“Supervised individual” means an individual placed on probation~~
 20 ~~by a court or serving a period of parole or mandatory release supervision after release from~~
 21 ~~a correctional facility.~~

22 (ii) ~~“Supervised individual” does not include:~~

23 1. ~~a person incarcerated, on probation, or convicted in this~~
 24 ~~State for a crime of violence;~~

25 2. ~~a person incarcerated, on probation, or convicted in this~~
 26 ~~State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;~~

27 3. ~~a person incarcerated, on probation, or convicted in this~~
 28 ~~State for a violation of § 2-503, [§] §§ 5-602 through 5-606, OR § 5-617 5-612 THROUGH~~
 29 ~~5-614[, § 5-627, or § 5-628] of the Criminal Law Article;~~

30 4. ~~a person registered or eligible for registration under Title~~
 31 ~~11, Subtitle 7 of the Criminal Procedure Article;~~

1 ~~5. a person who was convicted in any other jurisdiction of a~~
2 ~~crime and the person's supervision was transferred to this State; or~~

3 ~~6. a person who was convicted in this State of a crime and~~
4 ~~the person's supervision was transferred to another state.~~

5 ~~(b) The Department shall:~~

6 ~~(1) establish a program to implement earned compliance credits; and~~

7 ~~(2) adopt policies and procedures to implement the program.~~

8 ~~(c) (1) Notwithstanding any other law, the Maryland Parole Commission or~~
9 ~~the court [may] SHALL adjust the period of a supervised individual's supervision on the~~
10 ~~recommendation of the Division of Parole and Probation for earned compliance credits~~
11 ~~accrued under a program created under this section.~~

12 ~~(2) ONCE A COMBINATION OF TIME SERVED IN CUSTODY, IF~~
13 ~~APPLICABLE, TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION,~~
14 ~~AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL'S~~
15 ~~ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL TRANSFER THE INDIVIDUAL~~
16 ~~TO PLACE THE INDIVIDUAL ON ABATEMENT.~~

17 ~~(d) THE DIVISION SHALL:~~

18 ~~(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL~~
19 ~~OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND~~

20 ~~(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL~~
21 ~~OF CHANGE TO THE ABATEMENT TRANSFER DATE.~~

22 ~~(e) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT,~~
23 ~~THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING~~
24 ~~TRANSFER.~~

25 ~~[(d)] (f) A supervised individual whose period of active supervision has been~~
26 ~~completely reduced as a result of earned compliance credits shall remain on abatement~~
27 ~~until the expiration of the supervised individual's sentence, unless:~~

28 ~~(1) the supervised individual consents to continued active supervision; or~~

29 ~~(2) the supervised individual violates a condition of probation, parole, or~~
30 ~~mandatory release supervision including failure to pay a required payment of restitution.~~

~~(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO:~~

~~(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR~~

~~(2) PAY A SUPERVISION FEE.~~

~~[(e)] (H) If a supervised individual violates a condition of probation while on abatement, a court may order the supervised individual to be returned to active supervision.~~

~~[(f)] (I) (1) Twenty five percent of the savings realized by the Department as a result of the application of earned compliance credits shall revert to the Department.~~

~~(2) After the savings revert to the Department in accordance with paragraph (1) of this subsection, any remaining savings shall revert to the General Fund.~~

~~[(g)] (J) This section may not be construed to limit the authority of a court or the Parole Commission to extend probation, parole, or mandatory release supervision under § 6-222 of the Criminal Procedure Article.~~

~~(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE DIVISION.~~

~~6-119.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "EVIDENCE-BASED PROGRAMS AND PRACTICES" MEANS PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS IN RECIDIVISM.~~

~~(3) "INNOVATIVE PROGRAMS AND PRACTICES" MEANS PROGRAMS THAT DO NOT MEET THE STANDARD OF EVIDENCE-BASED PRACTICES BUT WHICH PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF OFFENDER RECIDIVISM.~~

~~(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT ARE CONSISTENT WITH EVIDENCE-BASED PROGRAMS AND PRACTICES AND INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER OR PAROLEE TO IMPROVE CONDUCT AND TO REDUCE THE RISK OF RECIDIVISM.~~

1 ~~(c) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY~~
2 ~~CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.~~

3 ~~6-120.~~

4 ~~THE DIVISION DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION~~
5 ~~AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO~~
6 ~~UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH,~~
7 ~~REGARDING:~~

8 ~~(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN~~
9 ~~INDIVIDUAL'S CRIMINAL RISK FACTORS;~~

10 ~~(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND~~

11 ~~(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR~~
12 ~~CHANGE.~~

13 ~~6-121.~~

14 ~~(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE~~
15 ~~SUPERVISION OF THE DIVISION.~~

16 ~~(B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN~~
17 ~~RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.~~

18 ~~(2) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A~~
19 ~~TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A~~
20 ~~RESULT OF THE VIOLATION.~~

21 ~~(c) ON OR BEFORE JULY 1, 2017, THE DEPARTMENT SHALL:~~

22 ~~(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED~~
23 ~~SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF~~
24 ~~COMMUNITY SUPERVISION;~~

25 ~~(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE~~
26 ~~PROGRAM AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN~~
27 ~~INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE~~
28 ~~GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND~~

29 ~~(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT~~
30 ~~IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT~~

~~1 INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE
2 NONCUSTODIAL SANCTIONS TO BE IMPOSED.~~

~~3 (D) NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY MODIFY THE
4 CONDITIONS OF COMMUNITY SUPERVISION FOR AN INDIVIDUAL FOR THE LIMITED
5 PURPOSE OF IMPOSING GRADUATED SANCTIONS.~~

~~6 (E) (D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN
7 EXHAUSTED, THE DIVISION MAY SHALL REFER THE INDIVIDUAL TO THE COURT OR
8 THE COMMISSION FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION
9 OF PROBATION, PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504
10 OF THIS ARTICLE OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~11 7-101.~~

~~(a) In this title the following words have the meanings indicated.~~

~~(m) "Violent crime" means:~~

~~(1) a crime of violence as defined in § 14-101 of the Criminal Law Article;~~

~~or~~

~~(2) burglary in the first, second, or third degree.~~

~~17 7-103.~~

~~(a) In this section, "offender" has the meaning stated in § 6-101 of this article.~~

~~(b) The Department may issue a certificate of completion to an offender who:~~

~~(1) was supervised by the Department under conditions of:~~

~~(i) parole;~~

~~(ii) probation; or~~

~~(iii) mandatory release supervision;~~

~~(2) has completed all special and general conditions of supervision,
including paying all required restitution, fines, fees, and other payment obligations; and~~

~~(3) is no longer under the jurisdiction of the Department.~~

~~27 7-104.~~

1 ~~(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION~~
2 ~~TO AN INDIVIDUAL WHO:~~

3 ~~(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:~~

4 ~~(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE~~
5 ~~CRIMINAL LAW ARTICLE; OR~~

6 ~~(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS~~
7 ~~REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;~~

8 ~~(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION~~
9 ~~UNDER CONDITIONS OF:~~

10 ~~(I) PAROLE;~~

11 ~~(II) PROBATION; OR~~

12 ~~(III) MANDATORY RELEASE SUPERVISION;~~

13 ~~(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF~~
14 ~~SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND~~
15 ~~OTHER PAYMENT OBLIGATIONS; AND~~

16 ~~(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF~~
17 ~~PAROLE AND PROBATION.~~

18 ~~(B) A CERTIFICATE OF REHABILITATION PRECLUDES A LICENSING BOARD~~
19 ~~FROM DISQUALIFYING AN APPLICANT FROM PROFESSIONAL OR OCCUPATIONAL~~
20 ~~LICENSURE OR CERTIFICATION BECAUSE OF THE UNDERLYING CRIMINAL~~
21 ~~CONVICTION. A LICENSING BOARD SHALL CONSIDER A CERTIFICATE OF~~
22 ~~REHABILITATION WHEN DETERMINING THE QUALIFICATION OF AN APPLICANT FOR~~
23 ~~A PROFESSIONAL OR OCCUPATIONAL LICENSURE OR CERTIFICATION.~~

24 ~~(C) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF~~
25 ~~REHABILITATION PER LIFETIME.~~

26 ~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN~~
27 ~~APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT~~
28 ~~ALLOWS THE SENTENCING JUDGE, THE STATE'S ATTORNEY, AND THE VICTIM TO~~
29 ~~OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.~~

- 1 ~~(a) The Commission has the exclusive power to:~~
- 2 ~~(1) authorize the parole of an individual sentenced under the laws of the~~
3 ~~State to any correctional facility in the State;~~
- 4 ~~(2) negotiate, enter into, and sign predetermined parole release~~
5 ~~agreements as provided under subsection (b) of this section;~~
- 6 ~~(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:~~
- 7 ~~(i) the Commissioner of Correction, after reviewing the~~
8 ~~recommendation of the appropriate managing official, objects to a parole;~~
- 9 ~~(ii) the inmate was convicted of a homicide;~~
- 10 ~~(iii) the inmate is serving a sentence of life imprisonment; [or]~~
- 11 ~~(iv) the parole hearing is open to the public under § 7-304 of this title;~~
- 12 ~~(v) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE~~
13 ~~ADMINISTRATIVE PAROLE RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF~~
14 ~~THIS TITLE; OR~~
- 15 ~~(vi) A VICTIM OR A STATE'S ATTORNEY REQUESTS A HEARING~~
16 ~~AS PROVIDED UNDER § 7-301.1 OF THIS TITLE;~~
- 17 ~~(4) hear exceptions to recommendations of a hearing examiner or a~~
18 ~~commissioner acting as a hearing examiner;~~
- 19 ~~(5) review summarily all recommendations of a hearing examiner or a~~
20 ~~commissioner acting as a hearing examiner to which an exception has not been filed;~~
- 21 ~~(6) hear a case for parole in absentia when an individual who was~~
22 ~~sentenced in this State to serve a term of imprisonment is in a correctional facility of a~~
23 ~~jurisdiction other than this State;~~
- 24 ~~(7) hear cases of parole revocation; [and]~~
- 25 ~~(8) if delegated by the Governor, hear cases involving an alleged violation~~
26 ~~of a conditional pardon; AND~~
- 27 ~~(9) DETERMINE CONDITIONS FOR ADMINISTRATIVE PAROLE~~
28 ~~RELEASE UNDER § 7-301.1 OF THIS TITLE.~~

1 ~~(b) (1) (i) The Commission may negotiate, enter into, and sign a~~
2 ~~predetermined parole release agreement with the Commissioner of Correction and an~~
3 ~~inmate under the jurisdiction of the Commission.~~

4 ~~(ii) The agreement may provide for the release of the inmate on~~
5 ~~parole at a predetermined time if, during the inmate's term of confinement, the inmate~~
6 ~~participates in the programs designated by the Commission and fulfills any other~~
7 ~~conditions specified in the agreement.~~

8 ~~(2) This subsection does not affect any diminution of an inmate's term of~~
9 ~~confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR~~
10 ~~AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE RELEASE UNDER § 7-301.1~~
11 ~~OF THIS TITLE.~~

12 ~~7-301.~~

13 ~~(a) (1) Except as otherwise provided in this section, the Commission shall~~
14 ~~request that the Division of Parole and Probation make an investigation for inmates in a~~
15 ~~local correctional facility and the Division of Correction make an investigation for inmates~~
16 ~~in a State correctional facility that will enable the Commission to determine the~~
17 ~~advisability of granting parole to an inmate who:~~

18 ~~(i) has been sentenced under the laws of the State to serve a term~~
19 ~~of 6 months or more in a correctional facility; and~~

20 ~~(ii) has served in confinement one fourth of the inmate's aggregate~~
21 ~~sentence.~~

22 ~~(2) Except as provided in paragraph (3) of this subsection, or as otherwise~~
23 ~~provided by law or in a predetermined parole release agreement, an inmate is not eligible~~
24 ~~for parole until the inmate has served in confinement one fourth of the inmate's aggregate~~
25 ~~sentence.~~

26 ~~(3) An inmate may be released on parole at any time in order to undergo~~
27 ~~drug or alcohol treatment, mental health treatment, or to participate in a residential~~
28 ~~program of treatment in the best interest of an inmate's expected or newborn child if the~~
29 ~~inmate:~~

30 ~~(i) is not serving a sentence for a crime of violence, as defined in §~~
31 ~~14-101 of the Criminal Law Article;~~

32 ~~(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §~~
33 ~~5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal~~
34 ~~Law Article; and~~

35 ~~(iii) has been determined to be amenable to treatment.~~

~~(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.~~

~~7-301.1.~~

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

~~(2) "ADMINISTRATIVE PAROLE RELEASE" MEANS RELEASE TO PAROLE OF AN ELIGIBLE INMATE WHO HAS SERVED ONE FOURTH OF THE INMATE'S SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.~~

~~(3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:~~

~~(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;~~

~~(II) HAS BEEN SCREENED AS LOW RISK TO REOFFEND UNDER § 6-104 OF THIS ARTICLE;~~

~~(III) IS NOT SERVING A SENTENCE FOR:~~

~~1. A VIOLENT CRIME; OR~~

~~2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(III) (IV) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY PORTION OF THE SENTENCE.~~

~~(B) (1) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE COMMISSION SHALL:~~

~~(I) REQUEST THAT THE DIVISION OF PAROLE AND PROBATION CONDUCT AN INVESTIGATION TO:~~

~~(I) DETERMINE THE INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE RELEASE;~~

1 ~~(H) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE~~
2 ~~INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE FOURTH OF~~
3 ~~THE INMATE'S TERM OF CONFINEMENT; AND~~

4 ~~(HH) CALCULATE A TENTATIVE PAROLE RELEASE ELIGIBILITY~~
5 ~~DATE FOR AN ELIGIBLE INMATE.~~

6 ~~(2) THE COMMISSION SHALL:~~

7 ~~(I) REQUEST THAT FOR AN INMATE IN A STATE CORRECTIONAL~~
8 ~~FACILITY, THE DIVISION OF CORRECTION CONDUCT AN INVESTIGATION TO:~~

9 ~~(I) DETERMINE THE INMATE'S ELIGIBILITY FOR~~
10 ~~ADMINISTRATIVE PAROLE RELEASE;~~

11 ~~(H) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE~~
12 ~~INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE FOURTH OF~~
13 ~~THE INMATE'S TERM OF CONFINEMENT; AND~~

14 ~~(HH) CALCULATE A TENTATIVE PAROLE RELEASE ELIGIBILITY~~
15 ~~DATE FOR AN ELIGIBLE INMATE.~~

16 ~~(3) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPHS (1) AND~~
17 ~~(2) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE~~
18 ~~COMMISSION WITHIN 60 DAYS OF COMMITMENT.~~

19 ~~(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE~~
20 ~~COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,~~
21 ~~SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER~~
22 ~~SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN~~
23 ~~WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON~~
24 ~~ADMINISTRATIVE PAROLE RELEASE.~~

25 ~~(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION~~
26 ~~(C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS~~
27 ~~THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S~~
28 ~~ADMINISTRATIVE PAROLE RELEASE DATE.~~

29 ~~(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT~~
30 ~~APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE PAROLE RELEASE.~~

31 ~~(E) (1) A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE~~
32 ~~GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.~~

1 ~~(2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL~~
2 ~~NOTIFY A VICTIM OF:~~

3 ~~(1) (I) THE ELIGIBLE INMATE'S ADMINISTRATIVE PAROLE~~
4 ~~RELEASE ELIGIBILITY DATE;~~

5 ~~(2) (II) THE VICTIM'S RIGHT TO REQUEST AN OPEN PAROLE~~
6 ~~HEARING UNDER § 7-304 OF THIS SUBTITLE; AND~~

7 ~~(3) (III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY~~
8 ~~CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.~~

9 ~~(F) (1) THE COMMISSION SHALL NOTIFY THE STATE'S ATTORNEY OF THE~~
10 ~~ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE.~~

11 ~~(2) THE STATE'S ATTORNEY MAY SUBMIT A WRITTEN OBJECTION TO~~
12 ~~AN INMATE'S RELEASE ON ADMINISTRATIVE RELEASE AND REQUEST AN OPEN~~
13 ~~HEARING.~~

14 ~~(G) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE~~
15 ~~PAROLE RELEASE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE~~
16 ~~INMATE'S PAROLE RELEASE ELIGIBILITY DATE IF:~~

17 ~~(1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED~~
18 ~~UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;~~

19 ~~(2) THE INMATE HAS NOT COMMITTED A SERIOUS RULE VIOLATION~~
20 ~~WITHIN 30 120 DAYS OF THE INMATE'S PAROLE ADMINISTRATIVE RELEASE~~
21 ~~ELIGIBILITY DATE; AND~~

22 ~~(3) A VICTIM OR THE STATE'S ATTORNEY HAS NOT REQUESTED A~~
23 ~~HEARING UNDER SUBSECTION (E) OR (F) OF THIS SECTION.~~

24 ~~(G) (H) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL~~
25 ~~FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE~~
26 ~~OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE~~
27 ~~INMATE'S TENTATIVE PAROLE ADMINISTRATIVE RELEASE ELIGIBILITY DATE.~~

28 ~~(H) (I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE~~
29 ~~PAROLE RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR PAROLE~~
30 ~~RELEASE AS PROVIDED UNDER THIS SUBTITLE.~~

1 ~~Each hearing examiner and commissioner determining whether an inmate is~~
2 ~~suitable for parole, and the Commission before entering into a predetermined parole release~~
3 ~~agreement, shall consider:~~

4 ~~(1) the circumstances surrounding the crime;~~

5 ~~(2) the physical, mental, and moral qualifications of the inmate;~~

6 ~~(3) the progress of the inmate during confinement, including the academic~~
7 ~~progress of the inmate in the mandatory education program required under § 22-102 of the~~
8 ~~Education Article;~~

9 ~~(4) a report on a drug or alcohol evaluation that has been conducted on the~~
10 ~~inmate, including any recommendations concerning the inmate's amenability for treatment~~
11 ~~and the availability of an appropriate treatment program;~~

12 ~~(5) whether there is reasonable probability that the inmate, if released on~~
13 ~~parole, will remain at liberty without violating the law;~~

14 ~~(6) whether release of the inmate on parole is compatible with the welfare~~
15 ~~of society;~~

16 ~~(7) an updated victim impact statement or recommendation prepared~~
17 ~~under § 7-801 of this title;~~

18 ~~(8) any recommendation made by the sentencing judge at the time of~~
19 ~~sentencing;~~

20 ~~(9) any information that is presented to a commissioner at a meeting with~~
21 ~~the victim; [and]~~

22 ~~(10) any testimony presented to the Commission by the victim or the victim's~~
23 ~~designated representative under § 7-801 of this title; AND~~

24 ~~(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1~~
25 ~~OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.~~

26 ~~7-309.~~

27 ~~(a) This section applies to any inmate who is sentenced to a term of incarceration~~
28 ~~for which all sentences being served, including any life sentence, are with the possibility of~~
29 ~~parole.~~

30 ~~(b) An inmate who is so PERMANENTLY debilitated or incapacitated by a medical~~
31 ~~or mental health condition, disease, or syndrome as to be physically incapable of presenting~~
32 ~~a danger to society may be released on medical parole at any time during the term of that~~

~~inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.~~

~~(e) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:~~

~~(i) the inmate seeking the medical parole;~~

~~(ii) an attorney;~~

~~(iii) a prison official or employee;~~

~~(iv) a medical professional;~~

~~(v) a family member; or~~

~~(vi) any other person.~~

~~(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.~~

~~(d) Following review of the request, the Commission may:~~

~~(1) find the request to be inconsistent with the best interests of public safety and take no further action; or~~

~~(2) request that department or local correctional facility personnel provide information for formal consideration of parole release.~~

~~(e) The information to be considered by the Commission before granting medical parole shall, at a minimum, include:~~

~~(1) TWO MEDICAL EVALUATIONS CONDUCTED BY MEDICAL PROFESSIONALS THAT ARE INDEPENDENT FROM THE DIVISION OF CORRECTION, PAID FOR BY THE DIVISION OF CORRECTION;~~

~~[(1)] (2) the inmate's medical information, including:~~

~~(i) a description of the inmate's condition, disease, or syndrome;~~

~~(ii) a prognosis concerning the likelihood of recovery from the condition, disease, or syndrome;~~

~~(iii) a description of the inmate's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and~~

1 ~~(iv) a mental health evaluation, where relevant;~~

2 ~~[(2)](3) discharge information, including:~~

3 ~~(i) availability of treatment or professional services within the~~
4 ~~community;~~

5 ~~(ii) family support within the community; and~~

6 ~~(iii) housing availability, including hospital or hospice care; and~~

7 ~~[(3)](4) case management information, including:~~

8 ~~(i) the circumstances of the current offense;~~

9 ~~(ii) institutional history;~~

10 ~~(iii) pending charges, sentences and other jurisdictions, and any~~
11 ~~other detainers; and~~

12 ~~(iv) criminal history information.~~

13 ~~(f) The Commission may require as a condition of release on medical parole that:~~

14 ~~(1) the parolee agree to placement for a definite or indefinite period of time~~
15 ~~in a hospital or hospice or other housing accommodation suitable to the parolee's medical~~
16 ~~condition, including the family home of the parolee, as specified by the Commission or the~~
17 ~~supervising agent; and~~

18 ~~(2) the parolee forward authentic copies of applicable medical records to~~
19 ~~indicate that the particular medical condition giving rise to the release continues to exist.~~

20 ~~(g) (1) If the Commission has reason to believe that a parolee is no longer so~~
21 ~~debilitated or incapacitated as to be physically incapable of presenting a danger to society,~~
22 ~~the parolee shall be returned to the custody of the Division of Correction or the local~~
23 ~~correctional facility from which the inmate was released.~~

24 ~~(2) (i) A parole hearing for a parolee returned to custody shall be held~~
25 ~~to consider whether the parolee remains incapacitated and shall be heard promptly.~~

26 ~~(ii) A parolee returned to custody under this subsection shall be~~
27 ~~maintained in custody, if the incapacitation is found to no longer exist.~~

28 ~~(3) An inmate whose medical parole is revoked for lack of continued~~
29 ~~incapacitation may be considered for parole in accordance with the eligibility requirements~~
30 ~~specified in § 7-301 of this subtitle.~~

1 ~~(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to~~
2 ~~victim notification and opportunity to be heard shall apply to proceedings relating to~~
3 ~~medical parole.~~

4 ~~(2) In cases of imminent death, time limits relating to victim notification~~
5 ~~and opportunity to be heard may be waived in the discretion of the Commission.~~

6 ~~(i) Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this~~
7 ~~section for a person serving a life sentence shall require the approval of the Governor~~

8 ~~**(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN**~~
9 ~~**INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE**~~
10 ~~**TRANSMITTED TO THE GOVERNOR.**~~

11 ~~**(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN**~~
12 ~~**TRANSMITTAL TO THE COMMISSION.**~~

13 ~~**(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN**~~
14 ~~**180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.**~~

15 ~~(j) The Commission shall issue regulations to implement the provisions of this~~
16 ~~section.~~

17 ~~7-401.~~

18 ~~(a) If a parolee is alleged to have violated a condition of parole, one commissioner~~
19 ~~shall hear the case on revocation of the parole at the time and place that the Commission~~
20 ~~designates.~~

21 ~~(b) (1) Each individual charged with a parole violation is entitled to be~~
22 ~~represented by counsel of the individual's choice or, if eligible, counsel provided by the~~
23 ~~Public Defender's office.~~

24 ~~(2) The Commission shall keep a record of the hearing.~~

25 ~~(c) If the commissioner finds from the evidence that the parolee has violated a~~
26 ~~condition of parole, the commissioner may take any action that the commissioner considers~~
27 ~~appropriate, including:~~

28 ~~(1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION,** revoking~~
29 ~~the order of parole;~~

30 ~~(ii) setting a future hearing date for consideration for reparole; and~~

31 ~~(iii) remanding the individual to the Division of Correction or local~~
32 ~~correctional facility from which the individual was paroled; or~~

1 ~~(2)~~ continuing parole:

2 ~~(i)~~ without modification of its conditions; or

3 ~~(ii)~~ with modification of its conditions, including a requirement that
4 the parolee spend all or part of the remaining parole period in a home detention program.

5 ~~(d) (1) IF SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN~~
6 ~~ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN §~~
7 ~~6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION~~
8 ~~MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:~~

9 ~~(I)~~ FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;

10 ~~(II)~~ FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND

11 ~~(III)~~ FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.

12 ~~(2)~~ Subject to paragraph ~~[(2)] (3)~~ of this subsection and further action by
13 the Commission, if the order of parole is revoked FOR A FOURTH OR SUBSEQUENT
14 TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, the
15 commissioner hearing the parole revocation, in the commissioner's discretion, may require
16 the inmate to serve any unserved portion of the sentence originally imposed.

17 ~~[(2)] (3)~~ An inmate may not receive credit for time between release on
18 parole and revocation of parole if:

19 ~~(i)~~ the inmate was serving a sentence for a violent crime when
20 parole was revoked; and

21 ~~(ii)~~ the parole was revoked due to a finding that the inmate
22 committed a violent crime while on parole.

23 ~~(4) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED~~
24 ~~UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING~~
25 ~~THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A~~
26 ~~VICTIM OR WITNESS OR FOR OTHER GOOD CAUSE.~~

27 ~~(e)~~ Subject to subsection ~~(d)~~ of this section, if a sentence has commenced as
28 provided under § 9-202(e)(2) of this article and the inmate is serving that sentence when
29 the order of parole is revoked, any reimposed portion of the sentence originally imposed
30 shall begin at the expiration of any sentences which were begun under § 9-202(e)(2) of this
31 article.

1 ~~(f) (1) The inmate may seek judicial review in the circuit court within 30 days~~
2 ~~after receiving the written decision of the Commission.~~

3 ~~(2) The court shall hear the action on the record.~~

4 ~~7-504.~~

5 ~~(a) (1) In this section[, "term"] THE FOLLOWING WORDS HAVE THE~~
6 ~~MEANINGS INDICATED.~~

7 ~~(2) "TERM of confinement" has the meaning stated in § 3-701 of this~~
8 ~~article.~~

9 ~~(3) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101~~
10 ~~OF THIS ARTICLE.~~

11 ~~(b) (1) The SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE~~
12 ~~commissioner presiding at an individual's mandatory supervision revocation hearing may~~
13 ~~revoke [any or all of the] diminution credits previously earned by the individual on the~~
14 ~~individual's term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:~~

15 ~~(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL~~
16 ~~VIOLATION;~~

17 ~~(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL~~
18 ~~VIOLATION;~~

19 ~~(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL~~
20 ~~VIOLATION; AND~~

21 ~~(IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR~~
22 ~~SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL~~
23 ~~VIOLATION.~~

24 ~~(2) Nothing in this section affects the prohibition against the application of~~
25 ~~diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate~~
26 ~~convicted and sentenced to imprisonment for a crime committed while on mandatory~~
27 ~~supervision.~~

28 ~~(3) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED~~
29 ~~UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING~~
30 ~~THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A~~
31 ~~VICTIM OR WITNESS OR FOR OTHER GOOD CAUSE.~~

1 ~~(e) After an inmate's mandatory supervision has been revoked, the inmate may~~
2 ~~not be awarded any new diminution credits on the term of confinement for which the inmate~~
3 ~~was on mandatory supervision.~~

4 ~~9-614.~~

5 ~~(A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL~~
6 ~~CORRECTIONAL FACILITY.~~

7 ~~(B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.~~

8 ~~(C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:~~

9 ~~(1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR~~
10 ~~THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;~~

11 ~~(2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;~~

12 ~~(3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND~~

13 ~~(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE~~
14 ~~WITH SUBSECTION (D) OF THIS SECTION.~~

15 ~~(D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE~~
16 ~~SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE~~
17 ~~UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE~~
18 ~~DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME,~~
19 ~~IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.~~

20 ~~(2) (i) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED~~
21 ~~UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE~~
22 ~~DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME.~~

23 ~~(ii) THE REQUIREMENTS OF SUBPARAGRAPH (i) OF THIS~~
24 ~~PARAGRAPH APPLY ONLY WHEN AN INMATE HAS AT LEAST \$50 IN THE INMATE'S~~
25 ~~FINANCIAL ACCOUNTS.~~

26 ~~(3) (i) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY~~
27 ~~PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT~~
28 ~~SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OR (2) OF THIS~~
29 ~~SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED~~
30 ~~UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(H) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:~~

~~(I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(II) 50% INTO THE STATE VICTIMS OF CRIME FUND ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(E) THE DEPARTMENT SHALL:~~

~~(1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION; AND~~

~~(2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.~~

~~11-504.~~

~~(a) An inmate who is sentenced to a local correctional facility shall be allowed an initial deduction from the inmate's term of confinement.~~

~~(b) The deduction described in subsection (a) of this section shall be calculated:~~

~~(1) from the first day of the inmate's postsentence commitment to the custody of the local correctional facility to the last day of the inmate's maximum term of confinement;~~

~~(2) (I) at the rate of 5 days for each calendar month IF THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(II) AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR ALL OTHER INMATES; and~~

~~(3) on a prorated basis for any portion of a calendar month.~~

1 ~~§ 11-604.~~

2 ~~(a) The Department shall collect an inmate's earnings.~~

3 ~~(b) From an inmate's earnings, the Department shall:~~

4 ~~(1) reimburse the county or State for the cost of providing food, lodging,~~
5 ~~and clothing to the inmate in a local correctional facility;~~

6 ~~(2) pay court ordered payments for support of dependents;~~

7 ~~(3) pay court ordered payments for restitution; and~~

8 ~~(4) pay compensation for victims of crime in accordance with subsection (e)~~
9 ~~of this section.~~

10 ~~(c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry~~
11 ~~Enhancement Certification Program of the United States Department of Justice, Bureau~~
12 ~~of Justice Assistance, the Department shall withhold 20% for compensation for victims of~~
13 ~~crime, in accordance with the requirements of the Program.~~

14 ~~(2) (i) If a court in a criminal or juvenile delinquency proceeding has~~
15 ~~ordered the inmate to pay restitution, the Department shall forward the 20% withheld~~
16 ~~under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund~~
17 ~~established under § 11-819 of the Criminal Procedure Article.~~

18 ~~(ii) The Criminal Injuries Compensation Board shall distribute from~~
19 ~~the Criminal Injuries Compensation Fund any amount received under this paragraph to~~
20 ~~the person or governmental unit specified in the judgment of restitution to pay the~~
21 ~~restitution as required under § 11-607(b)(2) of the Criminal Procedure Article.~~

22 ~~(3) If the inmate is not subject to a judgment of restitution or the judgment~~
23 ~~of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the~~
24 ~~Department shall pay:~~

25 ~~(i) 50% into the Criminal Injuries Compensation Fund established~~
26 ~~under § 11-819 of the Criminal Procedure Article; and~~

27 ~~(ii) 50% into the State Victims of Crime Fund established under §~~
28 ~~11-916 of the Criminal Procedure Article.~~

29 ~~(d) The Department shall:~~

30 ~~(1) credit to the inmate's account any balance that remains after paying~~
31 ~~the items in subsection (b)(1) through (3) of this section; and~~

1 ~~(2) pay the balance in the inmate's account to the inmate within 15 days~~
2 ~~after the inmate is released.]~~

3 ~~Article — Criminal Law~~

4 ~~2-204.~~

5 ~~(a) A murder that is not in the first degree under § 2-201 of this subtitle is in the~~
6 ~~second degree.~~

7 ~~(b) A person who commits a murder in the second degree is guilty of a felony and~~
8 ~~on conviction is subject to imprisonment not exceeding [30] 40 years.~~

9 ~~3-502.~~

10 ~~(a) A person may not, by force or fraud, carry or cause a person to be carried in or~~
11 ~~outside the State with the intent to have the person carried or concealed in or outside the~~
12 ~~State.~~

13 ~~(b) A person who violates this section is guilty of the felony of kidnapping and on~~
14 ~~conviction is subject to imprisonment not exceeding [30] 40 years.~~

15 ~~(c) Kidnapping does not include the act of a parent in carrying a minor child of~~
16 ~~that parent in or outside the State.~~

17 ~~5-601.~~

18 ~~(a) Except as otherwise provided in this title, a person may not:~~

19 ~~(1) possess or administer to another a controlled dangerous substance,~~
20 ~~unless obtained directly or by prescription or order from an authorized provider acting in~~
21 ~~the course of professional practice; or~~

22 ~~(2) obtain or attempt to obtain a controlled dangerous substance, or~~
23 ~~procure or attempt to procure the administration of a controlled dangerous substance by:~~

24 ~~(i) fraud, deceit, misrepresentation, or subterfuge;~~

25 ~~(ii) the counterfeiting or alteration of a prescription or a written~~
26 ~~order;~~

27 ~~(iii) the concealment of a material fact;~~

28 ~~(iv) the use of a false name or address;~~

1 ~~(v) falsely assuming the title of or representing to be a~~
2 ~~manufacturer, distributor, or authorized provider; or~~

3 ~~(vi) making, issuing, or presenting a false or counterfeit prescription~~
4 ~~or written order.~~

5 ~~(b) Information that is communicated to a physician in an effort to obtain a~~
6 ~~controlled dangerous substance in violation of this section is not a privileged~~
7 ~~communication.~~

8 ~~(e) [(1)] Except as provided in [paragraphs (2), (3), and (4) of this subsection]~~
9 ~~SUBSECTION (D) OF THIS SECTION, a person who violates this section is guilty of a~~
10 ~~misdemeanor and on conviction is subject to [imprisonment not exceeding 4 years or a fine~~
11 ~~not exceeding \$25,000 or both].~~

12 ~~(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1~~
13 ~~YEAR OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH;~~

14 ~~(2) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT~~
15 ~~EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH; AND~~

16 ~~(3) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT~~
17 ~~NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$25,000 \$5,000 OR BOTH.~~

18 ~~[(2) (i)] (D) Except as provided in [subparagraph (ii) of this~~
19 ~~paragraph] § 5-601.1 OF THIS ARTICLE, a person whose violation of this section involves~~
20 ~~the use or possession of marijuana IS GUILTY OF A MISDEMEANOR AND is subject to~~
21 ~~[imprisonment not exceeding 1 year 6 MONTHS or a fine not exceeding \$1,000 or both].~~

22 ~~(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6~~
23 ~~MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND~~

24 ~~(2) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT~~
25 ~~NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

26 ~~[(ii) 1. A first violation of this section involving the use or~~
27 ~~possession of less than 10 grams of marijuana is a civil offense punishable by a fine not~~
28 ~~exceeding \$100.~~

29 ~~2. A second violation of this section involving the use or~~
30 ~~possession of less than 10 grams of marijuana is a civil offense punishable by a fine not~~
31 ~~exceeding \$250.~~

SENATE BILL 1005

~~3. A third or subsequent violation of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding \$500.~~

~~4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.~~

~~B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subparagraph 3 of this subparagraph to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.~~

~~(3) (i) 1. (E) (1) (I) In this [paragraph] SUBSECTION the following words have the meanings indicated.~~

~~2. (H) "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.~~

~~3. (H) "Caregiver" means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:~~

~~[A.] 1. is a resident of the State;~~

~~[B.] 2. is at least 21 years old;~~

~~[C.] 3. is an immediate family member, a spouse, or a domestic partner of the patient;~~

~~[D.] 4. has not been convicted of a crime of violence as defined in § 14-101 of this article;~~

~~[E.] 5. has not been convicted of a violation of a State or federal controlled dangerous substances law;~~

~~[F.] 6. has not been convicted of a crime of moral turpitude;~~

~~[G.] 7. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;~~

1 ~~[H.] 8. is the only individual designated by the patient to~~
 2 ~~serve as caregiver; and~~

3 ~~[I.] 9. is not serving as caregiver for any other patient.~~

4 ~~[4.] (IV) "Debilitating medical condition" means a chronic or~~
 5 ~~debilitating disease or medical condition or the treatment of a chronic or debilitating~~
 6 ~~disease or medical condition that produces one or more of the following, as documented by~~
 7 ~~a physician with whom the patient has a bona fide physician-patient relationship:~~

8 ~~[A.] 1. cachexia or wasting syndrome;~~

9 ~~[B.] 2. severe or chronic pain;~~

10 ~~[C.] 3. severe nausea;~~

11 ~~[D.] 4. seizures;~~

12 ~~[E.] 5. severe and persistent muscle spasms; or~~

13 ~~[F.] 6. any other condition that is severe and resistant to~~
 14 ~~conventional medicine.~~

15 ~~[(ii) 1.] (2) (I) In a prosecution for the use or possession of~~
 16 ~~marijuana, the defendant may introduce and the court shall consider as a mitigating factor~~
 17 ~~any evidence of medical necessity.~~

18 ~~[2.] (II) Notwithstanding [paragraph (2) of this subsection]~~
 19 ~~SUBSECTION (C) OF THIS SECTION, if the court finds that the person used or possessed~~
 20 ~~marijuana because of medical necessity, the court shall dismiss the charge.~~

21 ~~[(iii) 1.] (3) (I) In a prosecution for the use or possession of~~
 22 ~~marijuana under this section, it is an affirmative defense that the defendant used or~~
 23 ~~possessed marijuana because:~~

24 ~~[A.] 1. the defendant has a debilitating medical condition~~
 25 ~~that has been diagnosed by a physician with whom the defendant has a bona fide~~
 26 ~~physician-patient relationship;~~

27 ~~[B.] 2. the debilitating medical condition is severe and~~
 28 ~~resistant to conventional medicine; and~~

29 ~~[C.] 3. marijuana is likely to provide the defendant with~~
 30 ~~therapeutic or palliative relief from the debilitating medical condition.~~

~~1 [2. A.] (II) 1. In a prosecution for the possession of
2 marijuana under this section, it is an affirmative defense that the defendant possessed
3 marijuana because the marijuana was intended for medical use by an individual with a
4 debilitating medical condition for whom the defendant is a caregiver.~~

~~5 [B.] 2. A defendant may not assert the affirmative defense
6 under this [subsubparagraph] SUBPARAGRAPH unless the defendant notifies the State's
7 Attorney of the defendant's intention to assert the affirmative defense and provides the
8 State's Attorney with all documentation in support of the affirmative defense in accordance
9 with the rules of discovery provided in Maryland Rules 4-262 and 4-263.~~

~~10 [3.] (III) An affirmative defense under this [subparagraph]
11 PARAGRAPH may not be used if the defendant was:~~

~~12 [A.] 1. using marijuana in a public place or assisting the
13 individual for whom the defendant is a caregiver in using the marijuana in a public place;
14 or~~

~~15 [B.] 2. in possession of more than 1 ounce of marijuana.~~

~~16 [(4) A violation of this section involving the smoking of marijuana in a
17 public place is a civil offense punishable by a fine not exceeding \$500.~~

~~18 (d) The provisions of subsection (e)(2)(ii) of this section making the possession of
19 marijuana a civil offense may not be construed to affect the laws relating to:~~

~~20 (1) operating a vehicle or vessel while under the influence of or while
21 impaired by a controlled dangerous substance; or~~

~~22 (2) seizure and forfeiture.]~~

~~23 (F) (1) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OR (D)
24 OF THIS SECTION, THE COURT SHALL MAY ORDER THE DEPARTMENT OF PUBLIC
25 SAFETY AND CORRECTIONAL SERVICES TO EVALUATE THE DEFENDANT FOR DRUG
26 DEPENDENCE AND PROVIDE AN ASSESSMENT TO DETERMINE WHETHER THE
27 DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT HEALTH
28 AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN
29 ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE
30 WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG
31 TREATMENT.~~

~~32 (2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
33 SERVICES SHALL CONDUCT AN EVALUATION OF THE DEFENDANT AND PROVIDE AN
34 ASSESSMENT ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS
35 SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE~~

~~DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.~~

~~(3) THE COURT SHALL CONSIDER AND INCORPORATE THE RESULTS OF THE AN ASSESSMENT PERFORMED IN PARAGRAPH (2) OF THIS SUBSECTION INTO WHEN IMPOSING THE DEFENDANT'S SENTENCE AND:~~

~~(i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH IF THE COURT FINDS THAT THE DEFENDANT IS NOT AN A IMMINENT RISK TO PUBLIC SAFETY, THE COURT SHALL SUSPEND THE EXECUTION OF THE SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DIVISION OF PAROLE AND PROBATION TO PROVIDE APPROPRIATE TREATMENT IN THE COMMUNITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PROVIDE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE ASSESSMENT; OR~~

~~(ii) IF THE COURT FINDS THAT THE DEFENDANT POSES AN A IMMINENT RISK TO PUBLIC SAFETY OR OTHERWISE FOR GOOD CAUSE, THE COURT MAY IMPOSE A TERM OF IMPRISONMENT UNDER SUBSECTION (C) OR (D) OF THIS SECTION AND ORDER THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY TO PROVIDE FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.~~

~~(4) THE COURT MAY NOT FIND GOOD CAUSE UNDER PARAGRAPH (3)(ii) OF THIS SUBSECTION SOLELY BECAUSE THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE LACKS SUFFICIENT RESOURCES TO COMPLY WITH AN ORDER TO PROVIDE TREATMENT.~~

~~5-601.1.~~

~~(A) A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE SMOKING OF MARIJUANA IN A PUBLIC PLACE IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.~~

~~(B) (1) A FIRST VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.~~

~~(2) A SECOND VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$250.~~

~~(3) A THIRD OR SUBSEQUENT VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.~~

~~(4) (i) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER PARAGRAPH (1), (2), OR (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.~~

~~(H) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON AT LEAST 21 YEARS OLD WHO COMMITS A VIOLATION PUNISHABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.~~

~~[(a)] (C) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5-601 of this part involving the use or possession of less than 10 grams of marijuana.~~

~~[(b)] (D) (1) A violation of § 5-601 of this part involving the use or possession of less than 10 grams of marijuana is a civil offense.~~

~~(2) Adjudication of a violation under § 5-601 of this part involving the use or possession of less than 10 grams of marijuana:~~

~~(i) is not a criminal conviction for any purpose; and~~

~~(ii) does not impose any of the civil disabilities that may result from a criminal conviction.~~

~~[(e)] (E) (1) A citation issued for a violation of § 5-601 of this part involving the use or possession of less than 10 grams of marijuana shall be signed by the police officer who issues the citation and shall contain:~~

~~(i) the name and address of the person charged;~~

~~(ii) the date and time that the violation occurred;~~

~~(iii) the location at which the violation occurred;~~

~~(iv) the fine that may be imposed;~~

1 (v) a notice stating that prepayment of the fine is allowed, except as
2 provided in paragraph (2) of this subsection; and

3 (vi) a notice in boldface type that states that the person shall:

4 1. pay the full amount of the preset fine; or

5 2. request a trial date at the date, time, and place established
6 by the District Court by writ or trial notice.

7 (2) (i) If a citation for a violation of § 5-601 of this part involving the
8 use or possession of less than 10 grams of marijuana is issued to a person under the age of
9 21 years, the court shall summon the person for trial.

10 (ii) If the court finds that a person at least 21 years old has
11 committed a third or subsequent violation of § 5-601 of this part involving the use or
12 possession of less than 10 grams of marijuana, the court shall summon the person for trial.

13 ~~[(d)] (F)~~ The form of the citation shall be uniform throughout the State and shall
14 be prescribed by the District Court.

15 ~~[(e)] (G)~~ The Chief Judge of the District Court shall establish a schedule for the
16 prepayment of the fine.

17 ~~[(f)] (H)~~ A person issued a citation for a violation of § 5-601 of this part involving
18 the use or possession of less than 10 grams of marijuana who is under the age of 18 years
19 shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the
20 Courts Article.

21 ~~[(g)] (I)~~ A citation for a violation of § 5-601 of this part involving the use or
22 possession of less than 10 grams of marijuana and the official record of a court regarding
23 the citation are not subject to public inspection and may not be included on the public Web
24 site maintained by the Maryland Judiciary.

25 ~~(J) THE PROVISIONS OF THIS SECTION MAKING THE USE OR POSSESSION OF~~
26 ~~LESS THAN 10 GRAMS OF MARIJUANA A CIVIL OFFENSE MAY NOT BE CONSTRUED TO~~
27 ~~AFFECT THE LAWS RELATING TO:~~

28 ~~(1) OPERATING A VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE~~
29 ~~OF OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE; OR~~

30 ~~(2) SEIZURE AND FORFEITURE.~~

31 5-607.

1 ~~(a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who~~
2 ~~violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and on~~
3 ~~conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000~~
4 ~~or both.~~

5 ~~(b) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
6 ~~who has been convicted previously under subsection (a) of this section shall be sentenced~~
7 ~~to imprisonment for not less than 2 years.~~

8 ~~(2) The court may not suspend the mandatory minimum sentence to less~~
9 ~~than 2 years.~~

10 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
11 ~~person is not eligible for parole during the mandatory minimum sentence.~~

12 ~~(e) A person convicted under subsection (a) of this section is not prohibited from~~
13 ~~participating in a drug treatment program under § 8-507 of the Health General Article~~
14 ~~because of the length of the sentence.~~

15 ~~5-608.~~

16 ~~(a) Except as otherwise provided in this section, a person who violates a provision~~
17 ~~of §§ 5-602 through 5-606 of this subtitle with respect to a Schedule I or Schedule II~~
18 ~~narcotic drug is guilty of a felony and on conviction is subject to: imprisonment not~~
19 ~~exceeding 20 years or a fine not exceeding \$25,000 or both.~~

20 ~~(b) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
21 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
22 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
23 ~~than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has~~
24 ~~been convicted once:~~

25 ~~(i) under subsection (a) of this section or § 5-609 of this subtitle;~~

26 ~~(ii) of conspiracy to commit a crime included in subsection (a) of this~~
27 ~~section or § 5-609 of this subtitle; or~~

28 ~~(iii) of a crime under the laws of another state or the United States~~
29 ~~that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if~~
30 ~~committed in this State.~~

31 ~~(2) The court may not suspend the mandatory minimum sentence to less~~
32 ~~than 10 years.~~

33 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
34 ~~person is not eligible for parole during the mandatory minimum sentence.~~

1 ~~(e) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
2 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
3 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
4 ~~than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:~~

5 ~~(i) has served at least one term of confinement of at least 180 days~~
6 ~~in a correctional institution as a result of a conviction:~~

7 ~~1. under subsection (a) of this section or § 5-609 or § 5-614~~
8 ~~of this subtitle;~~

9 ~~2. of conspiracy to commit a crime included in subsection (a)~~
10 ~~of this section or § 5-609 of this subtitle; or~~

11 ~~3. of a crime under the laws of another state or the United~~
12 ~~States that would be a crime included in subsection (a) of this section or § 5-609 of this~~
13 ~~subtitle if committed in this State; and~~

14 ~~(ii) has been convicted twice, if the convictions arise from separate~~
15 ~~occasions:~~

16 ~~1. under subsection (a) of this section or § 5-609 of this~~
17 ~~subtitle;~~

18 ~~2. of conspiracy to commit a crime included in subsection (a)~~
19 ~~of this section or § 5-609 of this subtitle;~~

20 ~~3. of a crime under the laws of another state or the United~~
21 ~~States that would be a crime included in subsection (a) of this section or § 5-609 of this~~
22 ~~subtitle if committed in this State; or~~

23 ~~4. of any combination of these crimes.~~

24 ~~(2) The court may not suspend any part of the mandatory minimum~~
25 ~~sentence of 25 years.~~

26 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
27 ~~person is not eligible for parole during the mandatory minimum sentence.~~

28 ~~(4) A separate occasion is one in which the second or succeeding crime is~~
29 ~~committed after there has been a charging document filed for the preceding crime.~~

30 ~~(d) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
31 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
32 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
33 ~~than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has~~

1 ~~served three or more separate terms of confinement as a result of three or more separate~~
 2 ~~convictions:~~

3 ~~(i) under subsection (a) of this section or § 5-609 of this subtitle;~~

4 ~~(ii) of conspiracy to commit a crime included in subsection (a) of this~~
 5 ~~section or § 5-609 of this subtitle;~~

6 ~~(iii) of a crime under the laws of another state or the United States~~
 7 ~~that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if~~
 8 ~~committed in this State; or~~

9 ~~(iv) of any combination of these crimes.~~

10 ~~(2) The court may not suspend any part of the mandatory minimum~~
 11 ~~sentence of 40 years.~~

12 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
 13 ~~person is not eligible for parole during the mandatory minimum sentence.~~

14 ~~(e) A person convicted under subsection (a) of this section or of conspiracy to~~
 15 ~~commit a crime included in subsection (a) of this section is not prohibited from participating~~
 16 ~~in a drug treatment program under § 8-507 of the Health General Article because of the~~
 17 ~~length of the sentence.~~

18 ~~5-609.~~

19 ~~(a) Except as otherwise provided in this section, a person who violates a provision~~
 20 ~~of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled~~
 21 ~~dangerous substances is guilty of a felony and on conviction is subject to imprisonment not~~
 22 ~~exceeding 20 years or a fine not exceeding \$20,000 or both:~~

23 ~~(1) phencyclidine;~~

24 ~~(2) 1-(1-phenylecyclohexyl) piperidine;~~

25 ~~(3) 1-phenylecyclohexylamine;~~

26 ~~(4) 1-piperidinoecyclohexanecarbonitrile;~~

27 ~~(5) N-ethyl-1-phenylecyclohexylamine;~~

28 ~~(6) 1-(1-phenylecyclohexyl) pyrrolidine;~~

29 ~~(7) 1-(1-(2-thienyl) cyclohexyl) piperidine;~~

30 ~~(8) lysergic acid diethylamide; or~~

1 (9) ~~750 grams or more of 3, 4-methylenedioxymethamphetamine (MDMA).~~

2 (b) (1) ~~[Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
3 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
4 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
5 ~~than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has~~
6 ~~been convicted once:~~

7 (i) ~~under subsection (a) of this section or § 5-608 of this subtitle;~~

8 (ii) ~~of conspiracy to commit a crime included in subsection (a) of this~~
9 ~~section or § 5-608 of this subtitle;~~

10 (iii) ~~of a crime under the laws of another state or the United States~~
11 ~~that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if~~
12 ~~committed in this State; or~~

13 (iv) ~~of any combination of these crimes.~~

14 (2) ~~The court may not suspend the mandatory minimum sentence to less~~
15 ~~than 10 years.~~

16 (3) ~~Except as provided in § 4-305 of the Correctional Services Article, the~~
17 ~~person is not eligible for parole during the mandatory minimum sentence.~~

18 (e) (1) ~~[Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
19 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
20 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
21 ~~than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:~~

22 (i) ~~has served at least one term of confinement of at least 180 days~~
23 ~~in a correctional institution as a result of a conviction under subsection (a) of this section,~~
24 ~~§ 5-608 of this subtitle, or § 5-614 of this subtitle; and~~

25 (ii) ~~if the convictions do not arise from a single incident, has been~~
26 ~~convicted twice:~~

27 1. ~~under subsection (a) of this section or § 5-608 of this~~
28 ~~subtitle;~~

29 2. ~~of conspiracy to commit a crime included in subsection (a)~~
30 ~~of this section or § 5-608 of this subtitle;~~

31 3. ~~of a crime under the laws of another state or the United~~
32 ~~States that would be a crime included in subsection (a) of this section or § 5-608 of this~~
33 ~~subtitle if committed in this State; or~~

1 ~~4. of any combination of these crimes.~~

2 ~~(2) The court may not suspend any part of the mandatory minimum~~
 3 ~~sentence of 25 years.~~

4 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
 5 ~~person is not eligible for parole during the mandatory minimum sentence.~~

6 ~~(4) A separate occasion is one in which the second or succeeding crime is~~
 7 ~~committed after there has been a charging document filed for the preceding crime.~~

8 ~~(d) (1) [Except as provided in] SUBJECT TO § 5-609.1 of this subtitle, a person~~
 9 ~~who is convicted under subsection (a) of this section or of conspiracy to commit a crime~~
 10 ~~included in subsection (a) of this section shall be sentenced to imprisonment for not less~~
 11 ~~than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has~~
 12 ~~served three separate terms of confinement as a result of three separate convictions:~~

13 ~~(i) under subsection (a) of this section or § 5-608 of this subtitle;~~

14 ~~(ii) of conspiracy to commit a crime included in subsection (a) of this~~
 15 ~~section or § 5-608 of this subtitle;~~

16 ~~(iii) of a crime under the laws of another state or the United States~~
 17 ~~that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if~~
 18 ~~committed in this State; or~~

19 ~~(iv) of any combination of these crimes.~~

20 ~~(2) The court may not suspend any part of the mandatory minimum~~
 21 ~~sentence of 40 years.~~

22 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
 23 ~~person is not eligible for parole during the mandatory minimum sentence.~~

24 ~~(e) A person convicted under subsection (a) of this section or of conspiracy to~~
 25 ~~commit a crime included in subsection (a) of this section is not prohibited from participating~~
 26 ~~in a drug treatment program under § 8-507 of the Health General Article because of the~~
 27 ~~length of the sentence.~~

28 ~~5-609.1.~~

29 ~~(A) A court may [depart from] IMPOSE a mandatory minimum sentence~~
 30 ~~prescribed in § 5-607, § 5-608, or § 5-609 of this subtitle [if the court finds and states on~~
 31 ~~the record] ONLY IF THE STATE SHOWS that, giving due regard to the nature of the crime,~~

1 ~~the history and character of the defendant, and the defendant's chances of successful~~
2 ~~rehabilitation:~~

3 ~~(1) imposition of the mandatory minimum sentence would NOT result in~~
4 ~~substantial injustice to the defendant; and~~

5 ~~(2) the mandatory minimum sentence is [not] necessary for the protection~~
6 ~~of the public.~~

7 ~~(B) A COURT SHALL STATE ON THE RECORD THE REASONS FOR DEPARTING~~
8 ~~FROM A MANDATORY MINIMUM SENTENCE.~~

9 ~~(c) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT~~
10 ~~TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON WHO IS SERVING A TERM OF~~
11 ~~CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR~~
12 ~~BEFORE SEPTEMBER 30, 2016, FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF~~
13 ~~THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY~~
14 ~~MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4-345, REGARDLESS OF~~
15 ~~WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A~~
16 ~~MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.~~

17 ~~(2) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE~~
18 ~~MANDATORY MINIMUM SENTENCE AS PROVIDED IN SUBSECTION (A) OF THIS~~
19 ~~SECTION.~~

20 ~~(3) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS~~
21 ~~PARAGRAPH, AN APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS~~
22 ~~SUBSECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR~~
23 ~~BEFORE SEPTEMBER 30, 2017.~~

24 ~~(ii) THE COURT MAY CONSIDER AN APPLICATION AFTER~~
25 ~~SEPTEMBER 30, 2017, ONLY FOR GOOD CAUSE SHOWN.~~

26 ~~(iii) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF A~~
27 ~~REQUEST FOR A HEARING.~~

28 ~~(iv) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION~~
29 ~~FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MANDATORY~~
30 ~~MINIMUM SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS~~
31 ~~SUBTITLE.~~

32 ~~5-612.~~

33 ~~(a) A person may not manufacture, distribute, dispense, or possess:~~

- 1 ~~(1) 50 pounds or more of marijuana;~~
- 2 ~~(2) 448 grams or more of cocaine;~~
- 3 ~~(3) 448 grams or more of any mixture containing a detectable amount of~~
4 ~~cocaine;~~
- 5 ~~(4) [50] 448 grams or more of cocaine base, commonly known as “crack”;~~
- 6 ~~(5) 28 grams or more of morphine or opium or any derivative, salt, isomer,~~
7 ~~or salt of an isomer of morphine or opium;~~
- 8 ~~(6) any mixture containing 28 grams or more of morphine or opium or any~~
9 ~~derivative, salt, isomer, or salt of an isomer of morphine or opium;~~
- 10 ~~(7) 1,000 dosage units or more of lysergic acid diethylamide;~~
- 11 ~~(8) any mixture containing the equivalent of 1,000 dosage units of lysergic~~
12 ~~acid diethylamide;~~
- 13 ~~(9) 16 ounces or more of phencyclidine in liquid form;~~
- 14 ~~(10) 448 grams or more of any mixture containing phencyclidine;~~
- 15 ~~(11) 448 grams or more of methamphetamine; or~~
- 16 ~~(12) any mixture containing 448 grams or more of methamphetamine.~~

17 ~~(b) For the purpose of determining the quantity of a controlled dangerous~~
18 ~~substance involved in individual acts of manufacturing, distributing, dispensing, or~~
19 ~~possessing under subsection (a) of this section, the acts may be aggregated if each of the~~
20 ~~acts occurred within a 90-day period.~~

21 ~~(e) (1) A person who is convicted of a violation of subsection (a) of this section~~
22 ~~shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not~~
23 ~~exceeding \$100,000.~~

24 ~~(2) The court may not suspend any part of the mandatory minimum~~
25 ~~sentence of 5 years.~~

26 ~~(3) Except as provided in § 4-305 of the Correctional Services Article, the~~
27 ~~person is not eligible for parole during the mandatory minimum sentence.~~

1 ~~(a) A person may not willfully or knowingly obtain or exert unauthorized control~~
2 ~~over property, if the person:~~

3 ~~(1) intends to deprive the owner of the property;~~

4 ~~(2) willfully or knowingly uses, conceals, or abandons the property in a~~
5 ~~manner that deprives the owner of the property; or~~

6 ~~(3) uses, conceals, or abandons the property knowing the use, concealment,~~
7 ~~or abandonment probably will deprive the owner of the property.~~

8 ~~(b) A person may not obtain control over property by willfully or knowingly using~~
9 ~~deception, if the person:~~

10 ~~(1) intends to deprive the owner of the property;~~

11 ~~(2) willfully or knowingly uses, conceals, or abandons the property in a~~
12 ~~manner that deprives the owner of the property; or~~

13 ~~(3) uses, conceals, or abandons the property knowing the use, concealment,~~
14 ~~or abandonment probably will deprive the owner of the property.~~

15 ~~(e) (1) A person may not possess stolen personal property knowing that it has~~
16 ~~been stolen, or believing that it probably has been stolen, if the person:~~

17 ~~(i) intends to deprive the owner of the property;~~

18 ~~(ii) willfully or knowingly uses, conceals, or abandons the property~~
19 ~~in a manner that deprives the owner of the property; or~~

20 ~~(iii) uses, conceals, or abandons the property knowing that the use,~~
21 ~~concealment, or abandonment probably will deprive the owner of the property.~~

22 ~~(2) In the case of a person in the business of buying or selling goods, the~~
23 ~~knowledge required under this subsection may be inferred if:~~

24 ~~(i) the person possesses or exerts control over property stolen from~~
25 ~~more than one person on separate occasions;~~

26 ~~(ii) during the year preceding the criminal possession charged, the~~
27 ~~person has acquired stolen property in a separate transaction; or~~

28 ~~(iii) being in the business of buying or selling property of the sort~~
29 ~~possessed, the person acquired it for a consideration that the person knew was far below a~~
30 ~~reasonable value.~~

1 ~~(3) In a prosecution for theft by possession of stolen property under this~~
2 ~~subsection, it is not a defense that:~~

3 ~~(i) the person who stole the property has not been convicted,~~
4 ~~apprehended, or identified;~~

5 ~~(ii) the defendant stole or participated in the stealing of the property;~~

6 ~~(iii) the property was provided by law enforcement as part of an~~
7 ~~investigation, if the property was described to the defendant as being obtained through the~~
8 ~~commission of theft; or~~

9 ~~(iv) the stealing of the property did not occur in the State.~~

10 ~~(4) Unless the person who criminally possesses stolen property~~
11 ~~participated in the stealing, the person who criminally possesses stolen property and a~~
12 ~~person who has stolen the property are not accomplices in theft for the purpose of any rule~~
13 ~~of evidence requiring corroboration of the testimony of an accomplice.~~

14 ~~(d) A person may not obtain control over property knowing that the property was~~
15 ~~lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature~~
16 ~~or amount of the property, if the person:~~

17 ~~(1) knows or learns the identity of the owner or knows, is aware of, or~~
18 ~~learns of a reasonable method of identifying the owner;~~

19 ~~(2) fails to take reasonable measures to restore the property to the owner;~~
20 ~~and~~

21 ~~(3) intends to deprive the owner permanently of the use or benefit of the~~
22 ~~property when the person obtains the property or at a later time.~~

23 ~~(e) A person may not obtain the services of another that are available only for~~
24 ~~compensation:~~

25 ~~(1) by deception; or~~

26 ~~(2) with knowledge that the services are provided without the consent of~~
27 ~~the person providing them.~~

28 ~~(f) Under this section, an offender's intention or knowledge that a promise would~~
29 ~~not be performed may not be established by or inferred solely from the fact that the promise~~
30 ~~was not performed.~~

31 ~~(g) (1) A person convicted of theft of property or services with a value of:~~

1 (i) ~~at least [\$1,000] \$2,000 but less than [\$10,000] \$25,000 is~~
2 ~~guilty of a felony and:~~

3 1. ~~is subject to imprisonment not exceeding [10] 5 years or a~~
4 ~~fine not exceeding \$10,000 or both; and~~

5 2. ~~shall restore the property taken to the owner or pay the~~
6 ~~owner the value of the property or services;~~

7 (ii) ~~at least [\$10,000] \$25,000 but less than \$100,000 is guilty of a~~
8 ~~felony and:~~

9 1. ~~is subject to imprisonment not exceeding [15] 10 years or~~
10 ~~a fine not exceeding \$15,000 or both; and~~

11 2. ~~shall restore the property taken to the owner or pay the~~
12 ~~owner the value of the property or services; or~~

13 (iii) ~~\$100,000 or more is guilty of a felony and:~~

14 1. ~~is subject to imprisonment not exceeding [25] 20 years or~~
15 ~~a fine not exceeding \$25,000 or both; and~~

16 2. ~~shall restore the property taken to the owner or pay the~~
17 ~~owner the value of the property or services.~~

18 (2) ~~Except as provided in [paragraphs (3) and (4)] PARAGRAPH (3) of this~~
19 ~~subsection, a person convicted of theft of property or services with a value of AT LEAST~~
20 ~~\$100 BUT less than [\$1,000] \$2,000, is guilty of a misdemeanor and:~~

21 (i) ~~is subject to imprisonment not exceeding [18] 12 months or a fine~~
22 ~~not exceeding \$500 or both; and~~

23 (ii) ~~shall restore the property taken to the owner or pay the owner~~
24 ~~the value of the property or services.~~

25 (3) ~~A person convicted of theft of property or services with a value of less~~
26 ~~than \$100 is guilty of a misdemeanor and:~~

27 (i) ~~is subject to imprisonment not exceeding 90 days or a fine not~~
28 ~~exceeding \$500 or both; and~~

29 (ii) ~~shall restore the property taken to the owner or pay the owner~~
30 ~~the value of the property or services.~~

~~[(4) Subject to paragraph (5) of this subsection, a person who has two FOUR or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,000 \$2,000 under paragraph (2) of this subsection is guilty of a misdemeanor and:~~

~~(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and~~

~~(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.~~

~~(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:~~

~~(i) the State will seek the penalties under paragraph (4) of this subsection; and~~

~~(ii) lists the alleged prior convictions.]~~

~~7-108.~~

~~(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient if it substantially states:~~

~~“(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at least \$10,000] \$2,000, AT LEAST \$2,000 BUT LESS THAN \$25,000, AT LEAST \$25,000 but less than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State.”~~

~~(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it substantially states:~~

~~“(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)'s lawful custody, control, or use, without the consent of (name of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government, and dignity of the State.”~~

~~(c) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.~~

1 ~~(d) Unless specifically charged by the State, theft of property or services with a~~
2 ~~value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be~~
3 ~~considered a lesser included crime of any other crime.~~

4 ~~§ 106.~~

5 ~~(a) (1) A person who obtains property or services with a value of at least~~
6 ~~[\$1,000] **\$2,000** but less than [\$10,000] **\$25,000** by issuing or passing a check in violation~~
7 ~~of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment~~
8 ~~not exceeding [10] **5** years or a fine not exceeding \$10,000 or both.~~

9 ~~(2) A person who obtains property or services with a value of at least~~
10 ~~[\$10,000] **\$25,000** but less than \$100,000 by issuing or passing a check in violation of §~~
11 ~~8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not~~
12 ~~exceeding [15] **10** years or a fine not exceeding \$15,000 or both.~~

13 ~~(3) A person who obtains property or services with a value of \$100,000 or~~
14 ~~more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony~~
15 ~~and on conviction is subject to imprisonment not exceeding [25] **20** years or a fine not~~
16 ~~exceeding \$25,000 or both.~~

17 ~~(b) A person who obtains property or services by issuing or passing more than one~~
18 ~~check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject~~
19 ~~to imprisonment not exceeding [10] **5** years or a fine not exceeding \$10,000 or both if:~~

20 ~~(1) each check that is issued is for [less than \$1,000] **AT LEAST \$2,000**~~
21 ~~**BUT LESS THAN \$25,000** and is issued to the same person within a 30-day period; and~~

22 ~~(2) the cumulative value of the property or services is [\$1,000 or more] **AT**~~
23 ~~**LEAST \$2,000 BUT LESS THAN \$25,000.**~~

24 ~~(c) Except as provided in subsections (b) and (d) of this section, a person who~~
25 ~~obtains property or services with a value of **AT LEAST \$100 BUT** less than [\$1,000] **\$2,000**~~
26 ~~by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a~~
27 ~~misdemeanor and on conviction is subject to imprisonment not exceeding [18] **12** months~~
28 ~~or a fine not exceeding \$500 or both.~~

29 ~~(d) (1) A person who obtains property or services with a value of less than \$100~~
30 ~~by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a~~
31 ~~misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine~~
32 ~~not exceeding \$500 or both.~~

33 ~~(2) It is not a defense to the crime of obtaining property or services with a~~
34 ~~value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle~~
35 ~~that the value of the property or services at issue is \$100 or more.~~

1 ~~§ 206.~~

2 (a) ~~A person may not for the purpose of obtaining money, goods, services, or~~
3 ~~anything of value, and with the intent to defraud another, use:~~

4 (1) ~~a credit card obtained or retained in violation of § 8-204 or § 8-205 of~~
5 ~~this subtitle; or~~

6 (2) ~~a credit card that the person knows is counterfeit.~~

7 (b) ~~A person may not, with the intent to defraud another, obtain money, goods,~~
8 ~~services, or anything of value by representing:~~

9 (1) ~~without the consent of the cardholder, that the person is the holder of a~~
10 ~~specified credit card; or~~

11 (2) ~~that the person is the holder of a credit card when the credit card had~~
12 ~~not been issued.~~

13 (c) (1) (i) ~~If the value of all money, goods, services, and other things of~~
14 ~~value obtained in violation of this section is at least ~~[\$1,000] \$2,000~~ but less than ~~[\$10,000]~~~~
15 ~~~~\$25,000~~, a person who violates this section is guilty of a felony and on conviction is subject~~
16 ~~to imprisonment not exceeding ~~[10] 5~~ years or a fine not exceeding \$10,000 or both.~~

17 (ii) ~~If the value of all money, goods, services, and other things of~~
18 ~~value obtained in violation of this section is at least ~~[\$10,000] \$25,000~~ but less than~~
19 ~~~~\$100,000~~, a person who violates this section is guilty of a felony and on conviction is subject~~
20 ~~to imprisonment not exceeding ~~[15] 10~~ years or a fine not exceeding \$15,000 or both.~~

21 (iii) ~~If the value of all money, goods, services, and other things of~~
22 ~~value obtained in violation of this section is \$100,000 or more, a person who violates this~~
23 ~~section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~~~
24 ~~~~20~~ years or a fine not exceeding \$25,000 or both.~~

25 (2) ~~Except as provided in paragraph (3) of this subsection, if the value of~~
26 ~~all money, goods, services, and other things of value obtained in violation of this section is~~
27 ~~AT LEAST \$100 BUT less than ~~[\$1,000] \$2,000~~, a person who violates this section is guilty~~
28 ~~of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18] 12~~~~
29 ~~months or a fine not exceeding \$500 or both.~~

30 (3) ~~If the value of all money, goods, services, and other things of value~~
31 ~~obtained in violation of this section ~~[does not exceed] IS LESS THAN~~ \$100, a person who~~
32 ~~violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment~~
33 ~~not exceeding 90 days or a fine not exceeding \$500 or both.~~

34 ~~§ 207.~~

1 (a) ~~If a person is authorized by an issuer to furnish money, goods, services, or~~
2 ~~anything of value on presentation of a credit card by the cardholder, the person or an agent~~
3 ~~or employee of the person may not, with the intent to defraud the issuer or cardholder:~~

4 (1) ~~furnish money, goods, services, or anything of value on presentation of:~~

5 (i) ~~a credit card obtained or retained in violation of § 8-204 or §~~
6 ~~8-205 of this subtitle; or~~

7 (ii) ~~a credit card that the person knows is counterfeit; or~~

8 (2) ~~fail to furnish money, goods, services, or anything of value that the~~
9 ~~person represents in writing to the issuer that the person has furnished.~~

10 (b) (1) (i) ~~If the value of all money, goods, services, and other things of~~
11 ~~value furnished or not furnished in violation of this section is at least [\$1,000] \$2,000 but~~
12 ~~less than [\$10,000] \$25,000, a person who violates this section is guilty of a felony and on~~
13 ~~conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding~~
14 ~~\$10,000 or both.~~

15 (ii) ~~If the value of all money, goods, services, and other things of~~
16 ~~value furnished or not furnished in violation of this section is at least [\$10,000] \$25,000~~
17 ~~but less than \$100,000, a person who violates this section is guilty of a felony and on~~
18 ~~conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding~~
19 ~~\$15,000 or both.~~

20 (iii) ~~If the value of all money, goods, services, and other things of~~
21 ~~value furnished or not furnished in violation of this section is \$100,000 or more, a person~~
22 ~~who violates this section is guilty of a felony and on conviction is subject to imprisonment~~
23 ~~not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.~~

24 (2) ~~Except as provided in paragraph (3) of this subsection, if the value of~~
25 ~~all money, goods, services, and other things of value furnished or not furnished in violation~~
26 ~~of this section is AT LEAST \$100 BUT less than [\$1,000] \$2,000, a person who violates this~~
27 ~~section is guilty of a misdemeanor and on conviction is subject to imprisonment not~~
28 ~~exceeding [18] 12 months or a fine not exceeding \$500 or both.~~

29 (3) ~~If the value of all money, goods, services, and other things of value~~
30 ~~furnished or not furnished in violation of this section [does not exceed] IS LESS THAN \$100,~~
31 ~~a person who violates this section is guilty of a misdemeanor and on conviction is subject~~
32 ~~to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.~~

33 ~~§ 200.~~

1 ~~(a) A person may not receive money, goods, services, or anything of value if the~~
 2 ~~person knows or believes that the money, goods, services, or other thing of value was~~
 3 ~~obtained in violation of § 8-206 of this subtitle.~~

4 ~~(b) (1) (i) If the value of all money, goods, services, and other things of~~
 5 ~~value obtained in violation of this section is at least ~~[\$1,000] \$2,000~~ but less than ~~[\$10,000]~~~~
 6 ~~**\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject~~
 7 ~~to imprisonment not exceeding ~~[10] 5~~ years or a fine not exceeding \$10,000 or both.~~

8 ~~(ii) If the value of all money, goods, services, and other things of~~
 9 ~~value obtained in violation of this section is at least ~~[\$10,000] \$25,000~~ but less than~~
 10 ~~\$100,000, a person who violates this section is guilty of a felony and on conviction is subject~~
 11 ~~to imprisonment not exceeding ~~[15] 10~~ years or a fine not exceeding \$15,000 or both.~~

12 ~~(iii) If the value of all money, goods, services, and other things of~~
 13 ~~value obtained in violation of this section is \$100,000 or more, a person who violates this~~
 14 ~~section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~~~
 15 ~~**20** years or a fine not exceeding \$25,000 or both.~~

16 ~~(2) Except as provided in paragraph (3) of this subsection, if the value of~~
 17 ~~all money, goods, services, and other things of value obtained in violation of this section is~~
 18 ~~**AT LEAST \$100 BUT** less than ~~[\$1,000] \$2,000~~, a person who violates this section is guilty~~
 19 ~~of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18] 12~~~~
 20 ~~months or a fine not exceeding \$500 or both.~~

21 ~~(3) If the value of all money, goods, services, and other things of value~~
 22 ~~obtained in violation of this section ~~[does not exceed] IS LESS THAN~~ \$100, a person who~~
 23 ~~violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment~~
 24 ~~not exceeding 90 days or a fine not exceeding \$500 or both.~~

25 ~~§ 301.~~

26 ~~(a) (1) In this section the following words have the meanings indicated:~~

27 ~~(2) "Health care" means care, services, or supplies related to the health of~~
 28 ~~an individual that includes the following:~~

29 ~~(i) preventative, diagnostic, therapeutic, rehabilitative,~~
 30 ~~maintenance care, palliative care and counseling, service assessment, or procedure:~~

31 ~~1. with respect to the physical or mental condition or~~
 32 ~~functional status of an individual; or~~

33 ~~2. that affects the structure or function of the body; and~~

1 (ii) ~~the sale or dispensing of a drug, device, equipment, or other item~~
2 ~~in accordance with a prescription.~~

3 (3) ~~“Health information” means any information, whether oral or recorded~~
4 ~~in any form or medium, that:~~

5 (i) ~~is created or received by:~~

6 ~~1. a health care provider;~~

7 ~~2. a health care carrier;~~

8 ~~3. a public health authority;~~

9 ~~4. an employer;~~

10 ~~5. a life insurer;~~

11 ~~6. a school or university; or~~

12 ~~7. a health care clearinghouse; and~~

13 (ii) ~~relates to the:~~

14 ~~1. past, present, or future physical or mental health or~~
15 ~~condition of an individual;~~

16 ~~2. provision of health care to an individual; or~~

17 ~~3. past, present, or future payment for the provision of health~~
18 ~~care to an individual.~~

19 (4) ~~“Interactive computer service” means an information service, system,~~
20 ~~or access software provider that provides or enables computer access by multiple users to~~
21 ~~a computer server, including a system that provides access to the Internet and cellular~~
22 ~~phones.~~

23 (5) ~~“Payment device number” has the meaning stated in § 8-213 of this~~
24 ~~title.~~

25 (6) (i) ~~“Personal identifying information” includes a name, address,~~
26 ~~telephone number, driver’s license number, Social Security number, place of employment,~~
27 ~~employee identification number, health insurance identification number, medical~~
28 ~~identification number, mother’s maiden name, bank or other financial institution account~~
29 ~~number, date of birth, personal identification number, unique biometric data, including~~
30 ~~fingerprint, voice print, retina or iris image or other unique physical representation, digital~~
31 ~~signature, credit card number, or other payment device number.~~

1 (ii) ~~“Personal identifying information” may be derived from any~~
2 ~~element in subparagraph (i) of this paragraph, alone or in conjunction with any other~~
3 ~~information to identify a specific natural or fictitious individual.~~

4 (7) ~~“Re-encoder” means an electronic device that places encoded personal~~
5 ~~identifying information or a payment device number from the magnetic strip or stripe of a~~
6 ~~credit card onto the magnetic strip or stripe of a different credit card or any electronic~~
7 ~~medium that allows such a transaction to occur.~~

8 (8) ~~“Skimming device” means a scanner, skimmer, reader, or any other~~
9 ~~electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily~~
10 ~~or permanently, personal identifying information or a payment device number encoded on~~
11 ~~the magnetic strip or stripe of a credit card.~~

12 (b) ~~A person may not knowingly, willfully, and with fraudulent intent possess,~~
13 ~~obtain, or help another to possess or obtain any personal identifying information of an~~
14 ~~individual, without the consent of the individual, in order to use, sell, or transfer the~~
15 ~~information to get a benefit, credit, good, service, or other thing of value or to access health~~
16 ~~information or health care.~~

17 (b-1) ~~A person may not maliciously use an interactive computer service to disclose~~
18 ~~or assist another person to disclose the driver’s license number, bank or other financial~~
19 ~~institution account number, credit card number, payment device number, Social Security~~
20 ~~number, or employee identification number of an individual, without the consent of the~~
21 ~~individual, in order to annoy, threaten, embarrass, or harass the individual.~~

22 (e) ~~A person may not knowingly and willfully assume the identity of another,~~
23 ~~including a fictitious person:~~

24 (1) ~~to avoid identification, apprehension, or prosecution for a crime; or~~

25 (2) ~~with fraudulent intent to:~~

26 (i) ~~get a benefit, credit, good, service, or other thing of value;~~

27 (ii) ~~access health information or health care; or~~

28 (iii) ~~avoid the payment of debt or other legal obligation.~~

29 (d) ~~A person may not knowingly, willfully, and with fraudulent intent to obtain a~~
30 ~~benefit, credit, good, service, or other thing of value or to access health information or health~~
31 ~~care, use:~~

32 (1) ~~a re-encoder to place information encoded on the magnetic strip or~~
33 ~~stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any~~
34 ~~other electronic medium that allows such a transaction to occur without the consent of the~~

1 ~~individual authorized to use the credit card from which the personal identifying~~
2 ~~information or payment device number is being re-encoded; or~~

3 ~~(2) a skimming device to access, read, scan, obtain, memorize, or store~~
4 ~~personal identifying information or a payment device number on the magnetic strip or~~
5 ~~stripe of a credit card without the consent of the individual authorized to use the credit~~
6 ~~card.~~

7 ~~(e) A person may not knowingly, willfully, and with fraudulent intent possess,~~
8 ~~obtain, or help another possess or obtain a re-encoder device or a skimming device for the~~
9 ~~unauthorized use, sale, or transfer of personal identifying information or a payment device~~
10 ~~number.~~

11 ~~(f) A person may not knowingly and willfully claim to represent another person~~
12 ~~without the knowledge and consent of that person, with the intent to solicit, request, or~~
13 ~~take any other action to otherwise induce another person to provide personal identifying~~
14 ~~information or a payment device number.~~

15 ~~(g) (1) (i) A person who violates this section where the benefit, credit, good,~~
16 ~~service, health information or health care, or other thing of value that is the subject of~~
17 ~~subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000] \$2,000~~ but less than~~
18 ~~~~[\$10,000] \$25,000~~ is guilty of a felony and on conviction is subject to imprisonment not~~
19 ~~exceeding ~~[10] 5~~ years or a fine not exceeding \$10,000 or both.~~

20 ~~(ii) A person who violates this section where the benefit, credit, good,~~
21 ~~service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section~~
22 ~~has a value of at least ~~[\$10,000] \$25,000~~ but less than \$100,000 is guilty of a felony and~~
23 ~~on conviction is subject to imprisonment not exceeding ~~[15] 10~~ years or a fine not exceeding~~
24 ~~\$15,000 or both.~~

25 ~~(iii) A person who violates this section where the benefit, credit, good,~~
26 ~~service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section~~
27 ~~has a value of \$100,000 or more is guilty of a felony and on conviction is subject to~~
28 ~~imprisonment not exceeding ~~[25] 20~~ years or a fine not exceeding \$25,000 or both.~~

29 ~~(2) A person who violates this section where the benefit, credit, good,~~
30 ~~service, health information or health care, or other thing of value that is the subject of~~
31 ~~subsection (b), (c), or (d) of this section has a value of AT LEAST \$100 BUT less than~~
32 ~~~~[\$1,000] \$2,000~~ is guilty of a misdemeanor and on conviction is subject to imprisonment~~
33 ~~not exceeding ~~[18] 12~~ months or a fine not exceeding \$500 or both.~~

34 ~~(3) A person who violates this section under circumstances that reasonably~~
35 ~~indicate that the person's intent was to manufacture, distribute, or dispense another~~
36 ~~individual's personal identifying information without that individual's consent is guilty of~~
37 ~~a felony and on conviction is subject to imprisonment not exceeding ~~[15] 10~~ years or a fine~~
38 ~~not exceeding \$25,000 or both.~~

1 ~~(4) A person who violates subsection (b-1), (c)(1), (c), or (f) of this section is~~
2 ~~guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18]~~
3 ~~12 months or a fine not exceeding \$500 or both.~~

4 ~~(5) When the violation of this section is pursuant to one scheme or~~
5 ~~continuing course of conduct, whether from the same or several sources, the conduct may~~
6 ~~be considered as one violation and the value of the benefit, credit, good, service, or other~~
7 ~~thing of value may be aggregated in determining whether the violation is a felony or~~
8 ~~misdemeanor.~~

9 ~~§ 516.~~

10 ~~(a) If a violation of this part results in the death of an individual, a person who~~
11 ~~violates a provision of this part is guilty of a felony and on conviction is subject to~~
12 ~~imprisonment not exceeding life or a fine not exceeding \$200,000 or both.~~

13 ~~(b) If a violation of this part results in serious injury to an individual, a person~~
14 ~~who violates a provision of this part is guilty of a felony and on conviction is subject to~~
15 ~~imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.~~

16 ~~(c) If the value of the money, health care services, or other goods or services~~
17 ~~involved is [\$1,000] \$2,000 or more in the aggregate, a person who violates a provision of~~
18 ~~this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5~~
19 ~~years or a fine not exceeding \$100,000 or both.~~

20 ~~(d) A person who violates any other provision of this part is guilty of a~~
21 ~~misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine~~
22 ~~not exceeding \$50,000 or both.~~

23 ~~(e) (1) In this subsection, “business entity” includes an association, firm,~~
24 ~~institution, partnership, and corporation.~~

25 ~~(2) A business entity that violates a provision of this part is subject to a~~
26 ~~fine not exceeding:~~

27 ~~(i) \$250,000 for each felony; and~~

28 ~~(ii) \$100,000 for each misdemeanor.~~

29 ~~§ 611.~~

30 ~~(a) (1) In this section the following words have the meanings indicated.~~

31 ~~(2) “Counterfeit mark” means:~~

1 ~~(i) an unauthorized copy of intellectual property; or~~

2 ~~(ii) intellectual property affixed to goods knowingly sold, offered for~~
3 ~~sale, manufactured, or distributed, to identify services offered or rendered, without the~~
4 ~~authority of the owner of the intellectual property.~~

5 ~~(3) "Intellectual property" means a trademark, service mark, trade name,~~
6 ~~label, term, device, design, or word adopted or used by a person to identify the goods or~~
7 ~~services of the person.~~

8 ~~(4) "Retail value" means:~~

9 ~~(i) a trademark counterfeiter's selling price for the goods or services~~
10 ~~that bear or are identified by the counterfeit mark; or~~

11 ~~(ii) a trademark counterfeiter's selling price of the finished product,~~
12 ~~if the goods that bear a counterfeit mark are components of the finished product.~~

13 ~~(5) "Trademark counterfeiter" means a person who commits the crime of~~
14 ~~trademark counterfeiting prohibited by this section.~~

15 ~~(b) A person may not willfully manufacture, produce, display, advertise,~~
16 ~~distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services~~
17 ~~that the person knows are bearing or are identified by a counterfeit mark.~~

18 ~~(c) If the aggregate retail value of the goods or services is [~~\$1,000~~] ~~\$2,000~~ or~~
19 ~~more, a person who violates this section is guilty of the felony of trademark counterfeiting~~
20 ~~and on conviction:~~

21 ~~(1) is subject to imprisonment not exceeding [~~15~~] ~~10~~ years or a fine not~~
22 ~~exceeding \$10,000 or both; and~~

23 ~~(2) shall transfer all of the goods to the owner of the intellectual property.~~

24 ~~(d) If the aggregate retail value of the goods or services is less than [~~\$1,000~~]~~
25 ~~~~\$2,000~~, a person who violates this section is guilty of the misdemeanor of trademark~~
26 ~~counterfeiting and on conviction:~~

27 ~~(1) is subject to[:~~

28 ~~(i) for a first violation,] imprisonment not exceeding [~~18~~] ~~12~~ months~~
29 ~~or a fine not exceeding \$1,000 or both[; or~~

30 ~~(ii) for each subsequent violation, imprisonment not exceeding 18~~
31 ~~months or a fine not exceeding \$5,000 or both[; and~~

1 ~~(2) shall transfer all of the goods to the owner of the intellectual property.~~

2 ~~(e) An action or prosecution for trademark counterfeiting in which the aggregate~~
3 ~~retail value of the goods or services is less than [\$1,000] \$2,000 shall be commenced within~~
4 ~~2 years after the commission of the crime.~~

5 ~~(f) Any goods bearing a counterfeit mark are subject to seizure by a law~~
6 ~~enforcement officer to preserve the goods for transfer to the owner of the intellectual~~
7 ~~property either:~~

8 ~~(1) under an agreement with the person alleged to have committed the~~
9 ~~crime; or~~

10 ~~(2) after a conviction under this section.~~

11 ~~(g) State or federal registration of intellectual property is prima facie evidence~~
12 ~~that the intellectual property is a trademark or trade name.~~

13 ~~§ 801.~~

14 ~~(a) (1) In this section the following words have the meanings indicated.~~

15 ~~(2) “Deception” has the meaning stated in § 7-101 of this article.~~

16 ~~(3) “Deprive” has the meaning stated in § 7-101 of this article.~~

17 ~~(4) “Obtain” has the meaning stated in § 7-101 of this article.~~

18 ~~(5) “Property” has the meaning stated in § 7-101 of this article.~~

19 ~~(6) (i) “Undue influence” means domination and influence amounting~~
20 ~~to force and coercion exercised by another person to such an extent that a vulnerable adult~~
21 ~~or an individual at least 68 years old was prevented from exercising free judgment and~~
22 ~~choice.~~

23 ~~(ii) “Undue influence” does not include the normal influence that one~~
24 ~~member of a family has over another member of the family.~~

25 ~~(7) “Value” has the meaning stated in § 7-103 of this article.~~

26 ~~(8) “Vulnerable adult” has the meaning stated in § 3-604 of this article.~~

27 ~~(b) (1) A person may not knowingly and willfully obtain by deception,~~
28 ~~intimidation, or undue influence the property of an individual that the person knows or~~
29 ~~reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult~~
30 ~~of the vulnerable adult’s property.~~

1 ~~(2) A person may not knowingly and willfully obtain by deception,~~
2 ~~intimidation, or undue influence the property of an individual that the person knows or~~
3 ~~reasonably should know is at least 68 years old, with intent to deprive the individual of the~~
4 ~~individual's property.~~

5 ~~(e) (1) (i) A person convicted of a violation of this section when the value of~~
6 ~~the property is at least [\$1,000] \$2,000 but less than [\$10,000] \$25,000 is guilty of a felony~~
7 ~~and:~~

8 ~~1. is subject to imprisonment not exceeding [10] 5 years or a~~
9 ~~fine not exceeding \$10,000 or both; and~~

10 ~~2. shall restore the property taken or its value to the owner,~~
11 ~~or, if the owner is deceased, restore the property or its value to the owner's estate.~~

12 ~~(ii) A person convicted of a violation of this section when the value of~~
13 ~~the property is at least [\$10,000] \$25,000 but less than \$100,000 is guilty of a felony and:~~

14 ~~1. is subject to imprisonment not exceeding [15] 10 years or~~
15 ~~a fine not exceeding \$15,000 or both; and~~

16 ~~2. shall restore the property taken or its value to the owner,~~
17 ~~or, if the owner is deceased, restore the property or its value to the owner's estate.~~

18 ~~(iii) A person convicted of a violation of this section when the value of~~
19 ~~the property is \$100,000 or more is guilty of a felony and:~~

20 ~~1. is subject to imprisonment not exceeding [25] 20 years or~~
21 ~~a fine not exceeding \$25,000 or both; and~~

22 ~~2. shall restore the property taken or its value to the owner,~~
23 ~~or, if the owner is deceased, restore the property or its value to the owner's estate.~~

24 ~~(2) A person convicted of a violation of this section when the value of the~~
25 ~~property is less than [\$1,000] \$2,000 is guilty of a misdemeanor and:~~

26 ~~(i) is subject to imprisonment not exceeding [18] 12 months or a fine~~
27 ~~not exceeding \$500 or both; and~~

28 ~~(ii) shall restore the property taken or its value to the owner, or, if~~
29 ~~the owner is deceased, restore the property or its value to the owner's estate.~~

30 ~~14-101.~~

31 ~~(a) In this section, "crime of violence" means:~~

- 1 ~~(1) abduction;~~
- 2 ~~(2) arson in the first degree;~~
- 3 ~~(3) kidnapping;~~
- 4 ~~(4) manslaughter, except involuntary manslaughter;~~
- 5 ~~(5) mayhem;~~
- 6 ~~(6) maiming, as previously proscribed under former Article 27, §§ 385 and~~
7 ~~386 of the Code;~~
- 8 ~~(7) murder;~~
- 9 ~~(8) rape;~~
- 10 ~~(9) robbery under § 3-402 or § 3-403 of this article;~~
- 11 ~~(10) carjacking;~~
- 12 ~~(11) armed carjacking;~~
- 13 ~~(12) sexual offense in the first degree;~~
- 14 ~~(13) sexual offense in the second degree;~~
- 15 ~~(14) use of a handgun in the commission of a felony or other crime of~~
16 ~~violence;~~
- 17 ~~(15) child abuse in the first degree under § 3-601 of this article;~~
- 18 ~~(16) sexual abuse of a minor under § 3-602 of this article if:~~
- 19 ~~(i) the victim is under the age of 13 years and the offender is an~~
20 ~~adult at the time of the offense; and~~
- 21 ~~(ii) the offense involved:~~
- 22 ~~1. vaginal intercourse, as defined in § 3-301 of this article;~~
- 23 ~~2. a sexual act, as defined in § 3-301 of this article;~~
- 24 ~~3. an act in which a part of the offender's body penetrates,~~
25 ~~however slightly, into the victim's genital opening or anus; or~~

1 4. ~~the intentional touching, not through the clothing, of the~~
2 ~~victim's or the offender's genital, anal, or other intimate area for sexual arousal,~~
3 ~~gratification, or abuse;~~

4 ~~(17) an attempt to commit any of the crimes described in items (1) through~~
5 ~~(16) of this subsection;~~

6 ~~(18) continuing course of conduct with a child under § 3-315 of this article;~~

7 ~~(19) assault in the first degree;~~

8 ~~(20) assault with intent to murder;~~

9 ~~(21) assault with intent to rape;~~

10 ~~(22) assault with intent to rob;~~

11 ~~(23) assault with intent to commit a sexual offense in the first degree; and~~

12 ~~(24) assault with intent to commit a sexual offense in the second degree.~~

13 (b) ~~(1) Except as provided in subsection (f) of this section, on conviction for a~~
14 ~~fourth time of a crime of violence, a person who has served three separate terms of~~
15 ~~confinement in a correctional facility as a result of three separate convictions of any crime~~
16 ~~of violence shall be sentenced to life imprisonment without the possibility of parole.~~

17 ~~(2) Notwithstanding any other law, the provisions of this subsection are~~
18 ~~mandatory.~~

19 (c) ~~(1) Except as provided in subsection (f) of this section, on conviction for a~~
20 ~~third time of a crime of violence, a person shall be sentenced to imprisonment for the term~~
21 ~~allowed by law but not less than 25 years, if the person:~~

22 ~~(i) has been convicted of a crime of violence on two prior separate~~
23 ~~occasions;~~

24 ~~1. in which the second or succeeding crime is committed after~~
25 ~~there has been a charging document filed for the preceding occasion; and~~

26 ~~2. for which the convictions do not arise from a single~~
27 ~~incident; and~~

28 ~~(ii) has served at least one term of confinement in a correctional~~
29 ~~facility as a result of a conviction of a crime of violence.~~

30 ~~(2) The court may not suspend all or part of the mandatory 25-year~~
31 ~~sentence required under this subsection.~~

~~(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.~~

~~(d) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:~~

~~(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and~~

~~(ii) served a term of confinement in a correctional facility for that conviction.~~

~~(2) The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.~~

~~(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.~~

~~(f) (1) **THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.**~~

~~(2) A person sentenced under this section may petition for and be granted parole if the person:~~

~~(i) is at least ~~[65]~~ 60 years old; and~~

~~(ii) has served at least ~~[15]~~ 10 years of the sentence imposed under this section **OR ONE THIRD OF THE PERSON'S TOTAL AGGREGATE SENTENCE.**~~

~~~~(2)~~ (3) The Maryland Parole Commission shall adopt regulations to implement this subsection.~~

### ~~Article Criminal Procedure~~

~~1-101.~~

~~(a) In this article the following words have the meanings indicated.~~

~~(b) **"ABSCONDING" HAS THE MEANING STATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE.**~~

1 ~~(c) (1) "Charging document" means a written accusation alleging that a~~  
2 ~~defendant has committed a crime.~~

3 ~~(2) "Charging document" includes a citation, an indictment, an~~  
4 ~~information, a statement of charges, and a warrant.~~

5 ~~(e) (D) "Correctional facility" has the meaning stated in § 1-101 of the~~  
6 ~~Correctional Services Article.~~

7 ~~(d) (E) "County" means a county of the State or Baltimore City.~~

8 ~~(e) (F) "Crime of violence" has the meaning stated in § 14-101 of the Criminal~~  
9 ~~Law Article.~~

10 ~~(f) (G) "Department" means the Department of Public Safety and Correctional~~  
11 ~~Services.~~

12 ~~(g) (H) "Inmate" has the meaning stated in § 1-101 of the Correctional Services~~  
13 ~~Article.~~

14 ~~(h) (I) "Local correctional facility" has the meaning stated in § 1-101 of the~~  
15 ~~Correctional Services Article.~~

16 ~~(i) (J) "Managing official" has the meaning stated in § 1-101 of the~~  
17 ~~Correctional Services Article.~~

18 ~~(j) (K) "Nolle prosequi" means a formal entry on the record by the State that~~  
19 ~~declares the State's intention not to prosecute a charge.~~

20 ~~(k) (L) "Nolo contendere" means a plea stating that the defendant will not~~  
21 ~~contest the charge but does not admit guilt or claim innocence.~~

22 ~~(l) (M) "Person" means an individual, receiver, trustee, guardian, personal~~  
23 ~~representative, fiduciary, representative of any kind, partnership, firm, association,~~  
24 ~~corporation, or other entity.~~

25 ~~(m) (N) "Secretary" means the Secretary of the Department of Public Safety and~~  
26 ~~Correctional Services.~~

27 ~~(n) (O) "State" means:~~

28 ~~(1) a state, possession, territory, or commonwealth of the United States; or~~

29 ~~(2) the District of Columbia.~~

1 ~~[(c)] (P)~~ ~~“State correctional facility” has the meaning stated in § 1-101 of the~~  
 2 ~~Correctional Services Article.~~

3 ~~(P) (Q)~~ ~~“TECHNICAL VIOLATION” MEANS A VIOLATION OF A CONDITION~~  
 4 ~~OF PROBATION THAT DOES NOT INCLUDE:~~

5 ~~(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A~~  
 6 ~~STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;~~

7 ~~(2) A CONVICTION; OR~~

8 ~~(3) A VIOLATION OF A NO CONTACT OR STAY AWAY ORDER; OR~~

9 ~~(4) ABSCONDING.~~

10 ~~6-209.~~

11 ~~(a) The Commission shall review annually sentencing policy and practice and, on~~  
 12 ~~or before January 31 of each year, report to the General Assembly, in accordance with §~~  
 13 ~~2-1246 of the State Government Article, on the activities of the preceding calendar year.~~

14 ~~(b) (1) The report shall:~~

15 ~~(i) include any changes to the sentencing guidelines made during~~  
 16 ~~the preceding year;~~

17 ~~(ii) review judicial compliance with the sentencing guidelines,~~  
 18 ~~including compliance by crime and by judicial circuit;~~

19 ~~(iii) review reductions or increases in original sentences that have~~  
 20 ~~occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal~~  
 21 ~~Law Article; [and]~~

22 ~~(iv) categorize information on the number of reconsiderations of~~  
 23 ~~sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial~~  
 24 ~~circuit; AND~~

25 ~~(V) REVIEW JUDICIAL COMPLIANCE WITH THE GUIDELINES FOR~~  
 26 ~~SUSPENDED SENTENCES ESTABLISHED UNDER PARAGRAPH (3) OF THIS~~  
 27 ~~SUBSECTION.~~

28 ~~(2) The Commission shall consider a sentence to a corrections options~~  
 29 ~~program to be within the sentencing guidelines if the sentence falls within a corrections~~  
 30 ~~options zone shown on the matrix.~~

~~(3) THE COMMISSION SHALL INCLUDE A SUSPENDED PORTION OF A SENTENCE IN THE DETERMINATION OF WHETHER A SENTENCE IS COMPLIANT WITH THE SENTENCING GUIDELINES.~~

~~6-223.~~

~~(a) A circuit court or the District Court may end the period of probation at any time.~~

~~(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:~~

~~(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and~~

~~(2) to be present for the setting of a timely hearing date for that charge.~~

~~(c) Pending the hearing or determination of the charge, a circuit court or the District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.~~

~~(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:~~

~~(1) revoke the probation granted or the suspension of sentence; and~~

~~(2) (H) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:~~

~~1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;~~

~~2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION; AND~~

~~3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND~~

~~(H) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.~~

~~(3) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF:~~

~~(I) THE COURT FINDS AND STATES ON THE RECORD:~~

~~1. THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR~~

~~2. OTHER GOOD CAUSE; OR~~

~~(II) THE COURT COMMITS THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH GENERAL ARTICLE.~~

~~6-224.~~

~~(a) This section applies to a defendant who is convicted of a crime for which the court:~~

~~(1) does not impose a sentence;~~

~~(2) suspends the sentence generally;~~

~~(3) places the defendant on probation for a definite time; or~~

~~(4) passes another order and imposes other conditions of probation.~~

~~(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:~~

~~(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, may sentence the defendant to:~~

~~(i) all or any part of the period of imprisonment imposed in the original sentence; or~~

~~(ii) any sentence allowed by law, if a sentence was not imposed before; and~~

~~(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6-222 of this subtitle.~~

~~(e) IF (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE JUDGE FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT~~

~~IS A TECHNICAL VIOLATION, THE JUDGE MAY IMPOSE A PERIOD OF INCARCERATION OF:~~

~~(1) (I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;~~

~~(2) (II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;~~

~~(3) (III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND~~

~~(4) (IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.~~

~~(2) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF:~~

~~(I) THE COURT FINDS AND STATES ON THE RECORD:~~

~~1. THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR~~

~~2. OTHER GOOD CAUSE; OR~~

~~(II) THE COURT COMMITS THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH - GENERAL ARTICLE.~~

~~(D) (1) The District Court judge who originally imposed conditions of probation or suspension of sentence shall hear any charge of violation of the conditions of probation or suspension of sentence.~~

~~(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.~~

~~(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.~~

~~10-110.~~

~~(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD~~

1 ~~MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE~~  
2 ~~PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:~~

3 ~~(1) § 6 320 OF THE ALCOHOLIC BEVERAGES ARTICLE;~~

4 ~~(2) AN OFFENSE LISTED IN § 17 613(A) OF THE BUSINESS~~  
5 ~~OCCUPATIONS AND PROFESSIONS ARTICLE;~~

6 ~~(3) § 5 712, § 19 304, § 19 308, OR TITLE 5, SUBTITLE 6 OR~~  
7 ~~SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;~~

8 ~~(4) § 3 1508 OR § 10 402 OF THE COURTS ARTICLE;~~

9 ~~(5) § 14 1915, § 14 2902, OR § 14 2903 OF THE COMMERCIAL LAW~~  
10 ~~ARTICLE;~~

11 ~~(6) § 5 211 OF THE CRIMINAL PROCEDURE ARTICLE;~~

12 ~~(7) § 3 203 OR § 3 808 OF THE CRIMINAL LAW ARTICLE;~~

13 ~~(8) § 5 601, § 5 618, § 5 619, § 5 620, § 5 703, § 5 708, OR § 5 902~~  
14 ~~OF THE CRIMINAL LAW ARTICLE;~~

15 ~~(9) § 6 105, § 6 108, § 6 206, § 6 303, § 6 306, § 6 307, § 6 402, OR §~~  
16 ~~6 503 OF THE CRIMINAL LAW ARTICLE;~~

17 ~~(10) § 7 104, § 7 203, § 7 205, § 7 304, § 7 308, OR § 7 309 OF THE~~  
18 ~~CRIMINAL LAW ARTICLE;~~

19 ~~(11) § 8 103, § 8 206, § 8 401, § 8 402, § 8 404, § 8 406, § 8 408, §~~  
20 ~~8 503, § 8 521, § 8 523, OR § 8 904 OF THE CRIMINAL LAW ARTICLE;~~

21 ~~(12) § 9 204, § 9 205, § 9 503, OR § 9 506 OF THE CRIMINAL LAW~~  
22 ~~ARTICLE;~~

23 ~~(13) § 10 110, § 10 201, § 10 402, § 10 404, OR § 10 502 OF THE~~  
24 ~~CRIMINAL LAW ARTICLE;~~

25 ~~(14) § 11 306(A) OF THE CRIMINAL LAW ARTICLE;~~

26 ~~(15) § 12 102, § 12 103, § 12 104, § 12 105, § 12 109, § 12 203, §~~  
27 ~~12 204, § 12 205, OR § 12 302 OF THE CRIMINAL LAW ARTICLE;~~

28 ~~(16) § 13 401, § 13 602, OR § 16 201 OF THE ELECTION LAW ARTICLE;~~



1 ~~(17) § 4-509 OF THE FAMILY LAW ARTICLE;~~

2 ~~(18) § 18-215 OF THE HEALTH GENERAL ARTICLE;~~

3 ~~(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;~~

4 ~~(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §~~  
5 ~~27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;~~

6 ~~(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC~~  
7 ~~SAFETY ARTICLE;~~

8 ~~(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY~~  
9 ~~ARTICLE;~~

10 ~~(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;~~

11 ~~(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX~~  
12 ~~GENERAL ARTICLE;~~

13 ~~(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL~~  
14 ~~CONTEMPT, OR HINDERING; OR~~

15 ~~(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE~~  
16 ~~LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.~~

17 ~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~  
18 ~~SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT~~  
19 ~~IN WHICH THE PROCEEDING BEGAN.~~

20 ~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~  
21 ~~PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED~~  
22 ~~TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO~~  
23 ~~WHICH THE PROCEEDING WAS TRANSFERRED.~~

24 ~~(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS~~  
25 ~~TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS~~  
26 ~~ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL~~  
27 ~~JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.~~

28 ~~(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL~~  
29 ~~JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION,~~  
30 ~~THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.~~

1 ~~(H) THE APPELLATE COURT MAY REMAND THE MATTER TO THE~~  
2 ~~COURT OF ORIGINAL JURISDICTION.~~

3 ~~(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE~~  
4 ~~FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR~~  
5 ~~SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS~~  
6 ~~REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.~~

7 ~~(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE~~  
8 ~~APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE~~  
9 ~~ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT~~  
10 ~~UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.~~

11 ~~(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON~~  
12 ~~IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.~~

13 ~~(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE~~  
14 ~~CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY~~  
15 ~~OTHER CONVICTION IN THE UNIT.~~

16 ~~(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR~~  
17 ~~EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.~~

18 ~~(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE~~  
19 ~~EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE~~  
20 ~~PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT~~  
21 ~~FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL~~  
22 ~~INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.~~

23 ~~(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN~~  
24 ~~OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE~~  
25 ~~PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE~~  
26 ~~EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE~~  
27 ~~CHARGE.~~

28 ~~(F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY~~  
29 ~~OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.~~

30 ~~(2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE~~  
31 ~~RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE~~  
32 ~~COURT FINDS AND STATES ON THE RECORD:~~

1 ~~(I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT~~  
2 ~~UNDER SUBSECTION (A) OF THIS SECTION;~~

3 ~~(II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER~~  
4 ~~SUBSECTION (D) OF THIS SECTION;~~

5 ~~(III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME,~~  
6 ~~THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT~~  
7 ~~REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND~~

8 ~~(IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF~~  
9 ~~JUSTICE.~~

10 ~~(G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED~~  
11 ~~TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.~~

12 ~~(H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER~~  
13 ~~ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT~~  
14 ~~RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN~~  
15 ~~WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF~~  
16 ~~COMPLIANCE WITH THE ORDER.~~

17 ~~(I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.~~

18 ~~(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS~~  
19 ~~ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.~~

20 ~~11-819.~~

21 ~~(b) The Criminal Injuries Compensation Fund:~~

22 ~~(1) shall be used to:~~

23 ~~(i) carry out the provisions of this subtitle; and~~

24 ~~(ii) distribute restitution payments forwarded to the Fund under [§~~  
25 ~~11-604] § 9-614 of the Correctional Services Article; and~~

26 ~~(2) may be used for:~~

27 ~~(i) any award given under this subtitle; and~~

28 ~~(ii) the costs of carrying out this subtitle.~~

29 ~~Article—Health—General~~

1 ~~§ 505.~~

2 ~~(a) (1) Before or during a criminal trial, before or after sentencing, or before or~~  
3 ~~during a term of probation, the court may order the Department to evaluate a defendant to~~  
4 ~~determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may~~  
5 ~~benefit from treatment if:~~

6 ~~(i) It appears to the court that the defendant has an alcohol or drug~~  
7 ~~abuse problem; or~~

8 ~~(ii) The defendant alleges an alcohol or drug dependency.~~

9 ~~(2) A court shall set and may change the conditions under which an~~  
10 ~~examination is to be conducted under this section.~~

11 ~~(3) The Department shall ensure that each evaluation under this section is~~  
12 ~~conducted in accordance with regulations adopted by the Department.~~

13 ~~(b) On consideration of the nature of the charge, the court:~~

14 ~~(1) May require or permit an examination to be conducted on an outpatient~~  
15 ~~basis; and~~

16 ~~(2) If an outpatient examination is authorized, shall set bail for the~~  
17 ~~defendant or authorize the release of the defendant on personal recognizance.~~

18 ~~(c) (1) If a defendant is to be held in custody for examination under this~~  
19 ~~section:~~

20 ~~(i) The defendant may be confined in a detention facility until the~~  
21 ~~Department is able to conduct the examination; or~~

22 ~~(ii) The court may order confinement of the defendant in a medical~~  
23 ~~wing or other isolated and secure unit of a detention facility, if the court finds it appropriate~~  
24 ~~for the health or safety of the defendant.~~

25 ~~(2) (i) If the court finds that, because of the apparent severity of the~~  
26 ~~alcohol or drug dependency or other medical or psychiatric complications, a defendant in~~  
27 ~~eustody would be endangered by confinement in a jail, the court may order the Department~~  
28 ~~to either:~~

29 ~~1. Place the defendant, pending examination, in an~~  
30 ~~appropriate health care facility; or~~

31 ~~2. Immediately conduct an evaluation of the defendant.~~

1                   ~~(ii) Unless the Department retains a defendant, the defendant shall~~  
2 ~~be promptly returned to the court after an examination.~~

3                   ~~(iii) A defendant who is detained for an examination under this~~  
4 ~~section may question at any time the legality of the detention by a petition for a writ of~~  
5 ~~habeas corpus.~~

6           ~~(d) (1) If a court orders an evaluation under this section, the evaluator shall:~~

7                   ~~(i) Conduct an evaluation of the defendant; and~~

8                   ~~(ii) Submit a complete report of the evaluation within 7 days to the:~~

9                           ~~1. Court;~~

10                           ~~2. Department; and~~

11                           ~~3. Defendant or the defendant's attorney.~~

12                   ~~(2) On good cause shown, a court may extend the time for an evaluation~~  
13 ~~under this section.~~

14                   ~~(3) Whenever an evaluator recommends treatment, the evaluator's report~~  
15 ~~shall:~~

16                           ~~(i) Name a specific program able to IMMEDIATELY provide the~~  
17 ~~recommended treatment; and~~

18                           ~~(ii) Give an actual or estimated date when the program can begin~~  
19 ~~treatment of the defendant.~~

20           ~~(e) (1) The Department shall IMMEDIATELY provide the services required by~~  
21 ~~this section.~~

22                   ~~(2) A designee of the Department may carry out any of its duties under this~~  
23 ~~section [if appropriate funding is provided].~~

24           ~~(f) Evaluations performed in facilities operated by the Department of Public~~  
25 ~~Safety and Correctional Services shall be conducted by the Administration.~~

26 ~~§ 507.~~

27           ~~(a) Subject to the limitations in this section, a court that finds in a criminal case~~  
28 ~~or during a term of probation that a defendant has an alcohol or drug dependency may~~  
29 ~~commit the defendant as a condition of release, after conviction, or at any other time the~~

~~defendant voluntarily agrees to participate in treatment, to the Department for treatment that the Department recommends, even if:~~

~~(1) The defendant did not timely file a motion for reconsideration under Maryland Rule 4-345; or~~

~~(2) The defendant timely filed a motion for reconsideration under Maryland Rule 4-345 which was denied by the court.~~

~~(b) Before a court commits a defendant to the Department under this section, the court shall:~~

~~(1) Offer the defendant the opportunity to receive treatment;~~

~~(2) Obtain the written consent of the defendant:~~

~~(i) To receive treatment; and~~

~~(ii) To have information reported back to the court;~~

~~(3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this subtitle;~~

~~(4) Consider the report on the defendant's evaluation; and~~

~~(5) Find that the treatment that the Department recommends to be appropriate and necessary.~~

~~(c) Immediately on receiving an order for treatment under this section, the Department shall order a report of all pending cases, warrants, and detainers for the defendant and forward a copy of the report to the court, the defendant, and the defendant's last attorney of record.~~

~~(d) (1) The Department shall provide the services required by this section.~~

~~(2) A designee of the Department may carry out any of the Department's duties under this section if appropriate funding is provided.~~

~~(e) (1) A court may not order that the defendant be delivered for treatment until:~~

~~(i) The Department gives the court notice that an appropriate treatment program is able to begin treatment of the defendant;~~

~~(ii) Any detainer based on an untried indictment, information, warrant, or complaint for the defendant has been removed; and~~

1                    ~~(iii) (H) Any sentence of incarceration for the defendant is no~~  
2 ~~longer in effect.~~

3                    ~~(2) The Department shall facilitate [the prompt] **THE IMMEDIATE**~~  
4 ~~treatment of a defendant **WITHOUT UNNECESSARY DELAY AND IN NO EVENT LATER**~~  
5 ~~**THAN 30 DAYS FROM THE ORDER UNLESS THE COURT FINDS EXIGENT**~~  
6 ~~**CIRCUMSTANCES TO DELAY COMMITMENT FOR TREATMENT FOR NO LONGER THAN**~~  
7 ~~**30 DAYS.**~~

8                    ~~(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT~~  
9 ~~UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 30 7 DAYS OF THE~~  
10 ~~ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE~~  
11 ~~REASON FOR THE LACK OF PLACEMENT MAY ISSUE A SHOW CAUSE ORDER FOR THE~~  
12 ~~DEPARTMENT TO APPEAR AND EXPLAIN WHY THE DEPARTMENT SHOULD NOT BE~~  
13 ~~HELD IN CONTEMPT UNDER TITLE 15 OF THE MARYLAND RULES.~~

14                    ~~(f) For a defendant committed for treatment under this section, a court shall~~  
15 ~~order supervision of the defendant.~~

16                    ~~(1) By an appropriate pretrial release agency, if the defendant is released~~  
17 ~~pending trial;~~

18                    ~~(2) By the Division of Parole and Probation under appropriate conditions~~  
19 ~~in accordance with §§ 6-219 through 6-225 of the Criminal Procedure Article and Maryland~~  
20 ~~Rule 4-345, if the defendant is released on probation; or~~

21                    ~~(3) By the Department, if the defendant remains in the custody of a local~~  
22 ~~correctional facility.~~

23                    ~~(g) A court may order law enforcement officials, detention center staff,~~  
24 ~~Department of Public Safety and Correctional Services staff, or sheriff's department staff~~  
25 ~~within the appropriate local jurisdiction to transport a defendant to and from treatment~~  
26 ~~under this section.~~

27                    ~~(h) The Department shall promptly report to a court a defendant's withdrawal of~~  
28 ~~consent to treatment and have the defendant returned to the court within 7 days for further~~  
29 ~~proceedings.~~

30                    ~~(i) A defendant who is committed for treatment under this section may question~~  
31 ~~at any time the legality of the commitment by a petition for a writ of habeas corpus.~~

32                    ~~(j) (1) A commitment under this section shall be for at least 72 hours and not~~  
33 ~~more than 1 year.~~

~~(2) On good cause shown by the Department, the court, or the State, the court may extend the time period for providing the necessary treatment services in increments of 6 months.~~

~~(3) Except during the first 72 hours after admission of a defendant to a treatment program, the Department may terminate the treatment if the Department determines that:~~

~~(i) Continued treatment is not in the best interest of the defendant;~~  
~~or~~

~~(ii) The defendant is no longer amenable to treatment.~~

~~(k) When a defendant is to be released from treatment under this section, the Department shall notify the court that ordered the treatment.~~

~~(l) (1) If a defendant leaves treatment without authorization, the responsibility of the Department is limited to the notification of the court that ordered the defendant's treatment as soon as it is reasonably possible.~~

~~(2) Notice under this subsection shall constitute probable cause for a court to issue a warrant for the arrest of a defendant.~~

~~(m) Nothing in this section imposes any obligation on the Department:~~

~~(1) To treat any defendant who knowingly and willfully declines to consent to further treatment; or~~

~~(2) In reporting to the court under this section, to include an assessment of a defendant's dangerousness to one's self, to another individual, or to the property of another individual by virtue of a drug or alcohol problem.~~

~~(n) Time during which a defendant is held under this section for inpatient evaluation or inpatient or residential treatment shall be credited against any sentence imposed by the court that ordered the evaluation or treatment.~~

~~(o) This section may not be construed to limit a court's authority to order drug treatment in lieu of incarceration under Title 5 of the Criminal Law Article.~~

### ~~Article State Finance and Procurement~~

~~6-226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to~~



~~1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
2 Fund of the State.~~

~~3 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
4 to the following funds:~~

~~5 84. the Economic Development Marketing Fund; [and]~~

~~6 85. the Military Personnel and Veteran Owned Small  
7 Business No Interest Loan Fund; AND~~

~~8 86. THE PERFORMANCE INCENTIVE COUNTY GRANT  
9 FUND.~~

~~10 Article State Government~~

~~11 SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.~~

~~12 9-3201.~~

~~13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.~~

~~15 (B) "BOARD" MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.~~

~~16 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
17 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~18 (D) "FUND" MEANS THE PERFORMANCE INCENTIVE COUNTY GRANT FUND  
19 ESTABLISHED IN § 9-3209 OF THIS SUBTITLE.~~

~~20 9-3202.~~

~~21 THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE  
22 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~23 9-3203.~~

~~24 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:~~

~~25 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE  
26 PRESIDENT OF THE SENATE;~~

~~27 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
28 SPEAKER OF THE HOUSE;~~

1           ~~(3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S~~  
2 ~~DESIGNEE;~~

3           ~~(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL~~  
4 ~~SERVICES, OR THE SECRETARY'S DESIGNEE;~~

5           ~~(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE~~  
6 ~~CHAIR'S DESIGNEE;~~

7           ~~(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S~~  
8 ~~DESIGNEE;~~

9           ~~(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S~~  
10 ~~DESIGNEE;~~

11           ~~(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S~~  
12 ~~DESIGNEE;~~

13           ~~(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE~~  
14 ~~SECRETARY'S DESIGNEE;~~

15           ~~(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE~~  
16 ~~SECRETARY'S DESIGNEE;~~

17           ~~(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE~~  
18 ~~REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;~~

19           ~~(12) ONE MEMBER TWO MEMBERS APPOINTED BY THE CHIEF JUDGE~~  
20 ~~OF THE COURT OF APPEALS;~~

21           ~~(13) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE DISTRICT~~  
22 ~~COURT OF MARYLAND ONE MEMBER APPOINTED BY THE MARYLAND SHERIFFS'~~  
23 ~~ASSOCIATION; AND~~

24           ~~(14) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR~~  
25 ~~WITH THE ADVICE AND CONSENT OF THE SENATE:~~

26           ~~(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;~~

27           ~~(II) ONE MEMBER REPRESENTING THE MARYLAND STATE'S~~  
28 ~~ATTORNEYS' ASSOCIATION;~~

29           ~~(III) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND~~

1                   ~~(IV) ONE MEMBER TWO MEMBERS REPRESENTING THE~~  
2 ~~MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION THAT INCLUDES ONE~~  
3 ~~REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE~~  
4 ~~REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY.~~

5           ~~(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS~~  
6 ~~SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE~~  
7 ~~MEMBERSHIP OF THE BOARD.~~

8           ~~(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.~~

9                   ~~(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE~~  
10 ~~STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD~~  
11 ~~ON OCTOBER 1, 2016.~~

12           ~~(3) AT THE END OF A TERM, AN APPOINTED MEMBER:~~

13                   ~~(I) IS ELIGIBLE FOR REAPPOINTMENT; AND~~

14                   ~~(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED~~  
15 ~~AND QUALIFIES.~~

16           ~~(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM~~  
17 ~~HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A~~  
18 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

19 ~~9-3204.~~

20           ~~(A) THE EXECUTIVE DIRECTOR IS GOVERNOR SHALL APPOINT THE CHAIR~~  
21 ~~OF THE BOARD.~~

22           ~~(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE~~  
23 ~~CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.~~

24 ~~9-3205.~~

25           ~~(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A~~  
26 ~~QUORUM.~~

27           ~~(B) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR AT THE TIMES~~  
28 ~~AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.~~

29           ~~(C) A MEMBER OF THE BOARD:~~

1           ~~(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD;~~  
2 ~~BUT~~

3           ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~  
4 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

5 ~~9-3206.~~

6           ~~THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL~~  
7 ~~PROVIDE STAFF FOR THE BOARD.~~

8 ~~9-3207.~~

9           ~~(A) THE BOARD SHALL:~~

10           ~~(1) MONITOR PROGRESS AND COMPLIANCE WITH THE~~  
11 ~~IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT~~  
12 ~~COORDINATING COUNCIL;~~

13           ~~(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL~~  
14 ~~GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION,~~  
15 ~~REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO~~  
16 ~~IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT~~  
17 ~~COORDINATING COUNCIL;~~

18           ~~(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY~~  
19 ~~RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL~~  
20 ~~JUSTICE POLICY CHANGES;~~

21           ~~(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208~~  
22 ~~OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;~~

23           ~~(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY~~  
24 ~~AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE~~  
25 ~~ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE~~  
26 ~~COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE~~  
27 ~~MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE~~  
28 ~~RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

29           ~~(6) CREATE PERFORMANCE MEASURES TO ASSESS THE~~  
30 ~~EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS~~  
31 ~~SUBTITLE; AND~~

1           ~~(7) CONSULT AND COORDINATE WITH:~~

2                   ~~(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT~~  
3 ~~COMMISSION; AND~~

4                   ~~(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS~~  
5 ~~CONCERNING JUSTICE REINVESTMENT ISSUES.~~

6           ~~(5) CREATE PERFORMANCE MEASURES TO ASSESS THE~~  
7 ~~EFFECTIVENESS OF THE GRANTS;~~

8           ~~(6) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY~~  
9 ~~AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE~~  
10 ~~ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE~~  
11 ~~COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE~~  
12 ~~MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE IMPLEMENTATION OF~~  
13 ~~THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING~~  
14 ~~COUNCIL;~~

15           ~~(7) CREATE PERFORMANCE MEASURES TO ASSESS THE~~  
16 ~~EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS~~  
17 ~~SUBTITLE; AND~~

18           ~~(8) CONSULT AND COORDINATE WITH:~~

19                   ~~(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT~~  
20 ~~COMMISSION; AND~~

21                   ~~(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS~~  
22 ~~CONCERNING JUSTICE REINVESTMENT ISSUES.~~

23           ~~(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY~~  
24 ~~AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL~~  
25 ~~SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE~~  
26 ~~JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE~~  
27 ~~BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE~~  
28 ~~BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018,~~  
29 ~~THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.~~

30           ~~(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS~~  
31 ~~THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL~~  
32 ~~DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION~~  
33 ~~MULTIPLIED BY THE VARIABLE COST.~~

~~(3) THE BOARD SHALL ANNUALLY DETERMINE THE DIFFERENCE BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS, REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS SUBSECTION.~~

~~(5) THE BOARD SHALL ANNUALLY RECOMMEND THAT THE SAVINGS IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE DISTRIBUTED AS FOLLOWS:~~

~~(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE PERFORMANCE INCENTIVE COUNTY GRANT FUND FOR PURPOSES ESTABLISHED UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND~~

~~(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.~~

~~(B)(C) THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE MARYLAND DATA ANALYSIS CENTER AT THE UNIVERSITY OF MARYLAND AN ACADEMIC INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.~~

~~9-3208.~~

~~(A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT DATA TO THE BOARD IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:~~

~~(1) THE ADMISSION OF INMATES TO STATE AND LOCAL CORRECTIONAL FACILITIES;~~

~~(2) THE LENGTH OF INMATE SENTENCES;~~

~~(3) THE LENGTH OF TIME BEING SERVED BY INMATES;~~

1           ~~(4) RECIDIVISM;~~

2           ~~(5) THE POPULATION OF COMMUNITY SUPERVISION; AND~~

3           ~~(6) INFORMATION ABOUT THE INMATE POPULATION; AND~~

4           ~~(7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE~~  
5 ~~SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF~~  
6 ~~THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE~~  
7 ~~CORRECTIONAL SERVICES ARTICLE.~~

8           ~~(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, THE DIVISION OF~~  
9 ~~PRETRIAL DETENTION AND SERVICES, AND THE ADMINISTRATIVE OFFICE OF THE~~  
10 ~~COURTS SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE~~  
11 ~~PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:~~

12           ~~(1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME~~  
13 ~~DAY EACH YEAR;~~

14           ~~(2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN~~  
15 ~~PRETRIAL DETENTION;~~

16           ~~(3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN~~  
17 ~~PRETRIAL DETENTION;~~

18           ~~(4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE~~  
19 ~~RELEASE;~~

20           ~~(5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE~~  
21 ~~PRETRIAL PERIOD; AND~~

22           ~~(6) THE DISPOSITION OF EACH CASE.~~

23 ~~9-3209.~~

24           ~~(A) THERE IS A PERFORMANCE INCENTIVE COUNTY GRANT FUND.~~

25           ~~(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS~~  
26 ~~FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE~~  
27 ~~REINVESTMENT COORDINATING COUNCIL.~~

28           ~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD~~  
29 ~~MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO~~  
30 ~~COUNTIES TO:~~

1 ~~(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE~~  
2 ~~PROTECTED AND ENHANCED;~~

3 ~~(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;~~

4 ~~(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;~~

5 ~~(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING~~  
6 ~~MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;~~

7 ~~(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;~~

8 ~~(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;~~

9 ~~(VII) PROVIDE FOR SPECIALTY COURTS;~~

10 ~~(VIII) PROVIDE FOR REENTRY PROGRAMS; AND~~

11 ~~(IX) PROVIDE FOR SUBSTANCE USE DISORDER AND MENTAL~~  
12 ~~HEALTH SERVICE PROGRAMS; AND~~

13 ~~(X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT~~  
14 ~~WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS~~  
15 ~~SUBSECTION.~~

16 ~~(3) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER~~  
17 ~~THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT~~  
18 ~~THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.~~

19 ~~(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND~~  
20 ~~PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT~~  
21 ~~NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND.~~

22 ~~(c) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE~~  
23 ~~BOARD SHALL ADMINISTER THE FUND.~~

24 ~~(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY~~  
25 ~~GRANTS FROM THE FUND.~~

26 ~~(d) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~  
27 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~



1           ~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,~~  
2 ~~AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

3           ~~(E) THE FUND CONSISTS OF:~~

4                   ~~(1) MONEY APPROPRIATED IN THE STATE BUDGET;~~

5                   ~~(2) INTEREST EARNED ON MONEY IN THE FUND; AND~~

6                   ~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR~~  
7 ~~THE BENEFIT OF THE FUND.~~

8           ~~(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN~~  
9 ~~SUBSECTION (B) OF THIS SECTION.~~

10           ~~(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND~~  
11 ~~IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

12                   ~~(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO~~  
13 ~~THE FUND.~~

14           ~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE~~  
15 ~~WITH THE STATE BUDGET.~~

16           ~~(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE~~  
17 ~~RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS~~  
18 ~~NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE~~  
19 ~~APPROPRIATED FOR THESE PURPOSES.~~

20 ~~9-3210.~~

21           ~~THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO~~  
22 ~~CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.~~

23 ~~9-3211.~~

24           ~~(A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT~~  
25 ~~JUSTICE REINVESTMENT COMMISSION.~~

26           ~~(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT~~  
27 ~~COMMISSION.~~

28           ~~(C) THE COMMISSION SHALL:~~

~~(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;~~

~~(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS TO LOCAL GOVERNMENTS FROM THE FUND; AND~~

~~(3) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS.~~

~~(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.~~

~~(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE COMMISSION.~~

~~(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.~~

~~(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2016.~~

~~(3) AT THE END OF A TERM, A MEMBER:~~

~~(I) IS ELIGIBLE FOR REAPPOINTMENT; AND~~

~~(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(F) A MEMBER OF THE COMMISSION:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(G) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE COMMISSION.~~

1 ~~9-3212.~~

2 ~~ON OR BEFORE DECEMBER 31, 2017, AND EACH YEAR THEREAFTER, THE~~  
 3 ~~BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS~~  
 4 ~~ARTICLE, TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE BOARD AND THE~~  
 5 ~~LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.~~

6 ~~Article—Transportation~~

7 ~~27-101.~~

8 ~~(b) Except as otherwise provided in this section, any person convicted of a~~  
 9 ~~misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is~~  
 10 ~~subject to a fine of not more than \$500.~~

11 ~~(c) Any person who is convicted of a violation of any of the provisions of the~~  
 12 ~~following sections of this article is subject to a fine of not more than \$500 or imprisonment~~  
 13 ~~for not more than 2 months or both:~~

14 ~~(1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of~~  
 15 ~~identification card prohibited”);~~

16 ~~(2) § 14-102 (“Taking or driving vehicle without consent of owner”);~~

17 ~~(3) § 14-104 (“Damaging or tampering with vehicle”);~~

18 ~~(4) § 14-107 (“Removed, falsified, or unauthorized identification number or~~  
 19 ~~registration card or plate”);~~

20 ~~(5) § 14-110 (“Altered or forged documents and plates”);~~

21 ~~(6) § 15-312 (“Dealers: Prohibited acts—Vehicle sales transactions”);~~

22 ~~(7) § 15-313 (“Dealers: Prohibited acts—Advertising practices”);~~

23 ~~(8) § 15-314 (“Dealers: Prohibited acts—Violation of licensing laws”);~~

24 ~~(9) § 15-411 (“Vehicle salesmen: Prohibited acts”);~~

25 ~~(10) § 16-113(j) (“Violation of alcohol restriction”);~~

26 ~~(11) § 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);~~

27 ~~(12) [§ 16-303(h) (“Licenses suspended under certain provisions of Code”);~~

1 ~~(13) § 16-303(i) (“Licenses suspended under certain provisions of the traffic~~  
 2 ~~laws or regulations of another state”);~~

3 ~~(15)] § 20-103 (“Driver to remain at scene — Accidents resulting only in~~  
 4 ~~damage to attended vehicle or property”);~~

5 ~~[(16)] (13) § 20-104 (“Duty to give information and render aid”);~~

6 ~~[(17)] (14) § 20-105 (“Duty on striking unattended vehicle or other~~  
 7 ~~property”);~~

8 ~~[(18)] (15) § 20-108 (“False reports prohibited”);~~

9 ~~[(19)] (16) § 21-206 (“Interference with traffic control devices or railroad~~  
 10 ~~signs and signals”);~~

11 ~~[(20)] (17) As to a pedestrian in a marked crosswalk, § 21-502(a)~~  
 12 ~~(“Pedestrians’ right of way in crosswalks: In general”), if the violation contributes to an~~  
 13 ~~accident;~~

14 ~~[(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21-502(e)~~  
 15 ~~(“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an~~  
 16 ~~accident;~~

17 ~~[(22)] (19) Except as provided in subsections (f) and (g) of this section, §~~  
 18 ~~21-902(b) (“Driving while impaired by alcohol”);~~

19 ~~[(23)] (20) Except as provided in subsections (f) and (g) of this section, §~~  
 20 ~~21-902(e) (“Driving while impaired by drugs or drugs and alcohol”);~~

21 ~~[(24)] (21) § 21-902.1 (“Driving within 12 hours after arrest”);~~

22 ~~[(25)] (22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from~~  
 23 ~~Parking Lots”); or~~

24 ~~[(26)] (23) § 27-107(d), (c), (f), or (g) (“Prohibited acts — Ignition interlock~~  
 25 ~~systems”);~~

26 ~~(y) Any person who is convicted of a violation of § 16-101 of this article (“Drivers~~  
 27 ~~must be licensed”) is subject to:~~

28 ~~(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500;~~

29 ~~(2) For a [first] SECOND offense, a fine of not more than \$500 or~~  
 30 ~~imprisonment for not more than 60 days or both; and~~

1           ~~(3) For a [second] THIRD or subsequent offense, a fine of not more than~~  
2 ~~\$500 or imprisonment for not more than 1 year or both.~~

3           ~~(GG) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303(H)~~  
4 ~~(“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OF THIS ARTICLE~~  
5 ~~OR § 16-303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE~~  
6 ~~TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE IS~~  
7 ~~SUBJECT TO:~~

8           ~~(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500; AND~~

9           ~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE~~  
10 ~~THAN \$500 OR IMPRISONMENT OF NOT MORE THAN 60 DAYS OR BOTH.~~

11           ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime~~  
12 ~~Control and Prevention shall, in coordination with the Department of Public Safety and~~  
13 ~~Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public~~  
14 ~~health and treatment professionals, and local corrections authorities, conduct an analysis~~  
15 ~~to determine the gap between offender treatment needs and available treatment services~~  
16 ~~in the State, including a feasibility study of local jail and service provider capacity for~~  
17 ~~substance use and mental health disorder and related treatment, and shall report the~~  
18 ~~results of the analysis with recommendations to the General Assembly, in accordance with~~  
19 ~~§ 2-1246 of the State Government Article, on or before December 31, 2016.~~

20           ~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General~~  
21 ~~Assembly that the Governor provide funding annually in the budget bill for:~~

22           ~~(1) the Department of Health and Mental Hygiene to expand the use of~~  
23 ~~drug treatment under § 8-507 of the Health General Article, as enacted by Section 1 of~~  
24 ~~this Act;~~

25           ~~(2) the Division of Correction to expand treatment and programming~~  
26 ~~within correctional institutions for substance abuse treatment, mental health treatment,~~  
27 ~~cognitive behavioral programming, and other evidence based interventions for offenders;~~  
28 ~~and~~

29           ~~(3) the Division of Parole and Probation to expand treatment and~~  
30 ~~programming in the community to include day reporting centers, mental health treatment,~~  
31 ~~cognitive behavioral programming, and other evidence based interventions for offenders.~~

32           ~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,~~  
33 ~~the Maryland Mediation and Conflict Resolution Office shall study and identify best~~  
34 ~~practices for criminal referrals to mediation, based on experiences across the State and~~  
35 ~~research, and submit a report of its findings and recommendations to the Justice~~  
36 ~~Reinvestment Coordinating Council, the Governor, and, in accordance with § 2-1246 of the~~  
37 ~~State Government Article, the General Assembly.~~

1       ~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,~~  
 2 ~~the State Commission on Criminal Sentencing Policy shall study how more alternatives to~~  
 3 ~~incarceration may be included in the sentencing guidelines and shall submit a report of the~~  
 4 ~~findings and recommendations to the Justice Reinvestment Coordinating Council, the~~  
 5 ~~Governor, and, in accordance with § 2-1246 of the State Government Article, the General~~  
 6 ~~Assembly.~~

7       ~~SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the initial~~  
 8 ~~appointed members of the Justice Reinvestment Oversight Board shall expire as follows:~~

9           ~~(1) two members in 2017 2018;~~

10          ~~(2) two members in 2018 2019;~~

11          ~~(3) two members in 2019 2020; and~~

12          ~~(4) two members in 2020 2021.~~

13       ~~SECTION 7. AND BE IT FURTHER ENACTED, That the terms of the initial~~  
 14 ~~members of the Local Government Justice Reinvestment Commission shall expire as~~  
 15 ~~follows:~~

16           ~~(1) six members in 2017 2018;~~

17           ~~(2) six members in 2018 2019;~~

18           ~~(3) six members in 2019 2020; and~~

19           ~~(4) six members in 2020 2021.~~

20       ~~SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime~~  
 21 ~~Control and Prevention shall:~~

22           ~~(1) study the restitution process in the State and make recommendations~~  
 23 ~~concerning the restitution process, including:~~

24                   ~~(i) recommending a process and State unit for collecting data and~~  
 25 ~~developing evidence-based practices for restitution collection; and~~

26                   ~~(ii) recommending methods for developing additional enforcement~~  
 27 ~~and data collection technology infrastructure;~~

28           ~~(2) determine which State unit should assume the duties currently~~  
 29 ~~undertaken by the Division of Parole and Probation regarding collection of restitution;~~

1           ~~(3) determine whether the Criminal Injuries Compensation Board and any~~  
2 ~~other victim services programs should be transferred to another entity, including~~  
3 ~~considering whether a transfer would;~~

4           ~~(i) minimize fragmentation of functions that the State government~~  
5 ~~performs on behalf of victims of crime and delinquent acts; and~~

6           ~~(ii) improve the coordination, efficiency, and effectiveness of State~~  
7 ~~assistance to victims of crime and delinquent acts;~~

8           ~~(4) consider any other ways to improve the collection of restitution; and~~

9           ~~(5) report to the Governor and, in accordance with § 2-1246 of the State~~  
10 ~~Government Article, the General Assembly by December 1, 2016, on its findings and~~  
11 ~~recommendations.~~

12           ~~SECTION 9. AND BE IT FURTHER ENACTED, That unless the Governor~~  
13 ~~determines that transferring the collection of restitution from the Division of Parole and~~  
14 ~~Probation to another State unit will not improve the collection of restitution, the Governor~~  
15 ~~shall order the new State unit to assume the responsibility of collecting restitution by~~  
16 ~~issuing an executive order to reorganize State government under Article II, Section 24 of~~  
17 ~~the Maryland Constitution for the 2017 regular session of the General Assembly. The~~  
18 ~~Governor shall include a provision in the executive order providing that the transfer may~~  
19 ~~not be effective until 30 days after the Governor's Office of Crime Control and Prevention~~  
20 ~~notifies in writing the Governor, the President of the Senate, and the Speaker of the House~~  
21 ~~that the new State unit is able to assume the collection roles and responsibilities.~~

22           ~~SECTION 10. AND BE IT FURTHER ENACTED, That local correctional facilities~~  
23 ~~shall, in coordination with the Department of Health and Mental Hygiene and local health~~  
24 ~~departments, conduct an analysis to determine the budgetary requirements of this Act and~~  
25 ~~shall report a plan for meeting the budgetary requirements to the General Assembly, in~~  
26 ~~accordance with § 2-1246 of the State Government Article, on or before June 30, 2017.~~

27           ~~SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the~~  
28 ~~General Assembly that local correctional facilities and local health departments provide~~  
29 ~~funding for treatment required for individuals diverted from incarceration for a violation~~  
30 ~~of § 5-601 of the Criminal Law Article as enacted by Section 1 of this Act.~~

31           ~~SECTION 12. AND BE IT FURTHER ENACTED, That § 3-704 of the Correctional~~  
32 ~~Services Article, as enacted by Section 1 of this Act, shall be construed prospectively to~~  
33 ~~apply only to inmates that are sentenced on or after October 1, 2017.~~

34           ~~SECTION 13. AND BE IT FURTHER ENACTED, That Section 1, Section 6, and~~  
35 ~~Section 7 of this Act shall take effect October 1, 2017.~~

36           ~~SECTION 10. 14. AND BE IT FURTHER ENACTED, That, except as provided in~~  
37 ~~Section 13 of this Act, this Act shall take effect October 1, 2016.~~

Article – Correctional Services

3-601.

**(a) IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING STATED IN § 6-101 OF THIS ARTICLE.**

**(B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:**

**(1) a description of the inmate;**

**(2) a photograph of the inmate;**

**(3) the family history of the inmate;**

**(4) any previous record of the inmate;**

**(5) a summary of the facts of each case for which the inmate is serving a sentence; [and]**

**(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

**[(6)] (7) the results of the physical, mental, and educational examination of the inmate required under subsection [(b)] (C) of this section.**

**[(b)] (C) The Division shall conduct A RISK AND NEEDS ASSESSMENT AND a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division.**

**[(c)] (D) (1) Based on the information assembled under subsection [(a)] (B) of this section, the Division shall classify an inmate and [assign the inmate to any available treatment, training, or employment that the Division considers appropriate] DEVELOP A CASE PLAN TO GUIDE AN INMATE’S REHABILITATION WHILE UNDER THE CUSTODY OF THE DIVISION.**

**(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE:**

**(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION;**



1                    (II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES AND  
2 POLICIES OF THE DIVISION; AND

3                    (III) A PLAN FOR THE PAYMENT OF RESTITUTION, NOT TO  
4 SUPERSEDE ANY PAYMENT PLAN ESTABLISHED BY THE COURT, IF RESTITUTION HAS  
5 BEEN ORDERED.

6            [(d)] (E) In accordance with regulations adopted by the Division, the managing  
7 official of each correctional facility shall maintain, as a part of an inmate's case record:

8                    (1) an adequate record of the conduct, effort, and progress of the inmate  
9 during confinement; and

10                   (2) a record of the character of any offense committed by the inmate and the  
11 nature and amount of punishment inflicted.

12            [(e)] (F) To identify an inmate, the Division may photograph and fingerprint the  
13 inmate and record a description of the inmate's personal background data.

14 3-704.

15            (a) An inmate shall be allowed a deduction in advance from the inmate's term of  
16 confinement.

17            (b) (1) The deduction allowed under subsection (a) of this section shall be  
18 calculated:

19                    (i) from the first day of commitment to the custody of the  
20 Commissioner through the last day of the inmate's term of confinement;

21                    (ii) except as provided in paragraph (2) of this subsection, at the rate  
22 of 10 days for each calendar month; and

23                    (iii) on a prorated basis for any portion of a calendar month.

24                    (2) If an inmate's term of confinement includes a consecutive or concurrent  
25 sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article or a crime  
26 of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance  
27 in violation of [§§ 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article,  
28 the deduction described in subsection (a) of this section shall be calculated at the rate of 5  
29 days for each calendar month.

30            (c) A deduction under this section may not be allowed for a period during which  
31 an inmate does not receive credit for service of the inmate's term of confinement, including a  
32 period:

1           (1) during which the inmate's sentence is stayed;

2           (2) during which the inmate is not in the custody of the Commissioner  
3 because of escape; or

4           (3) for which the Maryland Parole Commission has declined to grant credit  
5 after revocation of parole or mandatory supervision.

6 3-705.

7           (a) (1) In addition to any other deductions allowed under this subtitle, an  
8 inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each  
9 calendar month during which the inmate manifests satisfactory performance of assigned  
10 work tasks.

11           (2) The deduction described in paragraph (1) of this subsection shall be  
12 calculated:

13                   (i) from the first day that the work task is performed; and

14                   (ii) on a prorated basis for any portion of a calendar month during  
15 which the inmate performed the work task.

16           (b) The Commissioner shall adopt regulations governing the determination of  
17 deductions authorized under this section.

18 3-706.

19           (a) In addition to any other deductions allowed under this subtitle, **AS AN**  
20 **INCENTIVE TO REDUCE A TERM OF INCARCERATION**, an inmate may be allowed a  
21 deduction of 5 days from the inmate's term of confinement for each calendar month during  
22 which the inmate manifests satisfactory progress in **OR COMPLETION OF**:

23                   (1) vocational courses; [or]

24                   (2) other educational and training courses;

25                   (3) **WORKFORCE DEVELOPMENT TRAINING;**

26                   (4) **COGNITIVE-BEHAVIORAL THERAPY; OR**

27                   (5) **SUBSTANCE ABUSE THERAPY.**

28           (b) The deduction described in subsection (a) of this section shall be calculated:

29                   (1) from the first day that the inmate participates in the course; and

1           (2) on a prorated basis for any portion of the calendar month during which  
2 the inmate participates in the course.

3 3-707.

4           (a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, IN addition to any other deductions allowed under this subtitle, an inmate**  
6 **may be allowed a deduction of up to [10] 20 days from the inmate's term of confinement for**  
7 **each calendar month during which the inmate manifests satisfactory progress in those**  
8 **special selected work projects or other special programs, INCLUDING RECIDIVISM**  
9 **REDUCTION PROGRAMMING, designated by the Commissioner and approved by the**  
10 **Secretary.**

11           **(2) THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS**  
12 **SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH**  
13 **CALENDAR MONTH, IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A**  
14 **CONSECUTIVE OR CONCURRENT SENTENCE FOR:**

15           **(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE**  
16 **CRIMINAL LAW ARTICLE;**

17           **(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED**  
18 **UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; OR**

19           **(III) A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING,**  
20 **OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612**  
21 **OR § 5-613 OF THE CRIMINAL LAW ARTICLE.**

22           (b) A deduction described in subsection (a) of this section shall be calculated:

23           (1) from the first day that the inmate is assigned to the work project or  
24 program; and

25           (2) on a prorated basis for any portion of the calendar month during which  
26 the inmate participates in the work project or program.

27 3-708.

28           Notwithstanding any other provision of this subtitle, an inmate may not be allowed a  
29 deduction under this subtitle of more than [20]:

30           **(1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN**  
31 **§ 3-707(A)(2) OF THIS SUBTITLE; AND**

1           **(2) 30 days for a calendar month FOR ALL OTHER INMATES.**

2 6-101.

3           **(a) In this subtitle the following words have the meanings indicated.**

4           **(b) (1) "ABSCONDING" MEANS WILLFULLY EVADING SUPERVISION.**

5                           **(2) "ABSCONDING" DOES NOT INCLUDE MISSING A SINGLE**  
6 **APPOINTMENT WITH A SUPERVISING AUTHORITY.**

7           **(C) "Commission" means the Maryland Parole Commission.**

8           **[(c)] (D) "Crime of violence" has the meaning stated in § 14-101 of the Criminal**  
9 **Law Article.**

10           **(E) "CRIMINAL RISK FACTORS" MEANS AN INDIVIDUAL'S CHARACTERISTICS**  
11 **AND BEHAVIORS THAT:**

12                           **(1) AFFECT THE INDIVIDUAL'S RISK OF ENGAGING IN CRIMINAL**  
13 **BEHAVIOR; AND**

14                           **(2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT,**  
15 **SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF**  
16 **CRIMINAL BEHAVIOR.**

17           **[(d)] (F) "Director" means the Director of the Division or the Director's designee.**

18           **[(e)] (G) "Division" means the Division of Parole and Probation.**

19           **[(f)] (H) "Mandatory supervision" has the meaning stated in § 7-101 of this**  
20 **article.**

21           **[(g)] (I) "Offender" means an individual on parole or under mandatory**  
22 **supervision.**

23           **[(h)] (J) "Parolee" means an individual who has been released on parole.**

24           **[(i)] (K) "Program" means a home detention program established under § 6-108**  
25 **of this subtitle.**

26           **(L) "RISK AND NEEDS ASSESSMENT" MEANS AN ACTUARIAL TOOL**  
27 **VALIDATED ON THE STATE'S CORRECTIONAL POPULATION THAT DETERMINES:**

28                           **(1) AN INDIVIDUAL'S RISK OF REOFFENDING; AND**

1           **(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE**  
2 **THE INDIVIDUAL'S RISK OF REOFFENDING.**

3           **(M) "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION OF**  
4 **PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:**

5           **(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A**  
6 **STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;**

7           **(2) A VIOLATION OF A CRIMINAL PROHIBITION OTHER THAN A MINOR**  
8 **TRAFFIC OFFENSE;**

9           **(3) A VIOLATION OF A NO-CONTACT OR STAY-AWAY ORDER; OR**

10           **(4) ABSCONDING.**

11 **6-104.**

12           **(a) Subject to the authority of the Secretary and in addition to any other duties**  
13 **established by law, the Division:**

14           **(1) shall:**

15           **(I) ADMINISTER A VALIDATED SCREENING TOOL ON EACH**  
16 **INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION UNDER THE SUPERVISION OF**  
17 **THE DIVISION;**

18           **(II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP**  
19 **AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR MANDATORY**  
20 **SUPERVISION WHO HAS BEEN SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;**

21           **[(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON**  
22 **PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED**  
23 **SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (I)**  
24 **OR (II) OF THIS ITEM;**

25           **[(ii)] (IV) supervise an individual under mandatory supervision**  
26 **until the expiration of the individual's maximum term or terms of confinement;**

27           **[(iii)] (V) regularly inform the Commission of the activities of**  
28 **offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE**  
29 **COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS**  
30 **SUBTITLE;**

1 [(iv)] (VI) issue a warrant for the retaking of an offender charged  
2 with a violation of a condition of parole or mandatory supervision, if this authority is  
3 delegated by the Commission to the Director of the Division; and

4 [(v)] (VII) administer the Drinking Driver Monitor Program, collect  
5 supervision fees, and adopt guidelines for collecting the monthly program fee assessed in  
6 accordance with § 6-115 of this subtitle; and

7 (2) may recommend:

8 (i) that the Commission modify any condition of parole or mandatory  
9 supervision; and

10 (ii) that the Commission issue a warrant for the retaking of an  
11 offender.

12 (b) Funding for the Drinking Driver Monitor Program shall be as provided in the  
13 State budget.

14 6-111.

15 If a court suspends the sentence of an individual convicted of a crime and orders the  
16 individual to continue under the supervision of the Division for a specified time or until  
17 ordered otherwise, the Division shall:

18 (1) [supervise the conduct of] ADMINISTER A VALIDATED SCREENING  
19 TOOL ON the individual;

20 (2) [determine whether the individual is complying with the conditions of  
21 probation or suspension of sentence; and] ADMINISTER A RISK AND NEEDS ASSESSMENT  
22 AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL WHO HAS BEEN  
23 SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

24 (3) SUPERVISE AN INDIVIDUAL BASED ON THE PROBATION ORDER  
25 AND, TO THE EXTENT NOT INCONSISTENT WITH THAT ORDER, ON THE RESULTS OF A  
26 VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER  
27 ITEMS (1) OR (2) OF THIS SECTION;

28 (4) NOTWITHSTANDING ANY OTHER LAW, IMPOSE GRADUATED  
29 SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL  
30 VIOLATIONS AS AN ALTERNATIVE TO SEEKING REVOCATION UNDER §  
31 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE;

1 [(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY  
2 TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER  
3 § 6-121 OF THIS SUBTITLE; AND

4 (6) report to the court on the individual's compliance.

5 6-117.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) "Abatement" means an end to active supervision of a supervised  
8 individual, without effect on the legal expiration date of the case or the supervised  
9 individual's obligation to:

10 (i) obey all laws; AND

11 (ii) [report as instructed; and

12 (iii)] obtain written permission from the Division of Parole and  
13 Probation before relocating the supervised individual's residence outside the State.

14 (3) "Earned compliance credit" means a 20-day reduction from the period  
15 of active supervision of the supervised individual for every month that a supervised  
16 individual:

17 (i) exhibits [full compliance] COMPLIANCE with the conditions[.]  
18 AND goals[, and treatment as part] of the supervised individual's probation, parole, or  
19 mandatory release supervision, as determined by the Department;

20 (ii) has no new arrests;

21 (iii) has not violated any conditions of no contact imposed on the  
22 supervised individual;

23 (iv) is current on court ordered payments for restitution, fines, and  
24 fees relating to the offense for which earned compliance credits are being accrued; and

25 (v) is current in completing any community supervision requirements  
26 included in the conditions of the supervised individual's probation, parole, or mandatory  
27 release supervision.

28 (4) (i) "Supervised individual" means an individual placed on  
29 probation by a court or serving a period of parole or mandatory release supervision after  
30 release from a correctional facility.

31 (ii) "Supervised individual" does not include:

1 1. a person incarcerated, on probation, or convicted in this  
 2 State for a crime of violence;

3 2. a person incarcerated, on probation, or convicted in this  
 4 State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

5 3. a person incarcerated, on probation, or convicted in this  
 6 State for a violation of § 2-503, [§] §§ [5-602 through § 5-617] **5-612 THROUGH 5-614**, §  
 7 5-627, or § 5-628 of the Criminal Law Article;

8 4. a person registered or eligible for registration under Title  
 9 11, Subtitle 7 of the Criminal Procedure Article;

10 5. a person who was convicted in any other jurisdiction of a  
 11 crime and the person's supervision was transferred to this State; or

12 6. a person who was convicted in this State of a crime and the  
 13 person's supervision was transferred to another state.

14 (b) The Department shall:

15 (1) establish a program to implement earned compliance credits; and

16 (2) adopt policies and procedures to implement the program.

17 (c) (1) Notwithstanding any other law, the Maryland Parole Commission or the  
 18 court [may] SHALL adjust the period of a supervised individual's supervision on the  
 19 recommendation of the Division of Parole and Probation for earned compliance credits  
 20 accrued under a program created under this section.

21 (2) ONCE A COMBINATION OF TIME SERVED ON PROBATION, PAROLE,  
 22 OR MANDATORY SUPERVISION, AND EARNED COMPLIANCE CREDITS SATISFY THE  
 23 SUPERVISED INDIVIDUAL'S ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL  
 24 PLACE THE INDIVIDUAL ON ABATEMENT.

25 (D) THE DIVISION SHALL:

26 (1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL  
 27 OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND

28 (2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL OF  
 29 CHANGE TO THE ABATEMENT TRANSFER DATE.



1 (E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT, THE  
2 DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING  
3 TRANSFER.

4 [(d)] (F) A supervised individual whose period of active supervision has been  
5 completely reduced as a result of earned compliance credits shall remain on abatement until  
6 the expiration of the supervised individual's sentence, unless:

7 (1) the supervised individual consents to continued active supervision; or

8 (2) the supervised individual violates a condition of probation, parole, or  
9 mandatory release supervision including failure to pay a required payment of restitution.

10 (G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER THIS  
11 SECTION MAY NOT BE REQUIRED TO:

12 (1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR

13 (2) PAY A SUPERVISION FEE.

14 [(e)] (H) If a supervised individual violates a condition of probation while on  
15 abatement, a court may order the supervised individual to be returned to active supervision.

16 [(f)] (I) (1) Twenty-five percent of the savings realized by the Department as  
17 a result of the application of earned compliance credits shall revert to the Department.

18 (2) After the savings revert to the Department in accordance with paragraph  
19 (1) of this subsection, any remaining savings shall revert to the [General Fund]  
20 PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED UNDER § 9-3209 OF THE  
21 STATE GOVERNMENT ARTICLE.

22 [(g)] (J) This section may not be construed to limit the authority of a court or the  
23 Parole Commission to extend probation, parole, or mandatory release supervision under §  
24 6-222 of the Criminal Procedure Article.

25 (K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR  
26 THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE DIVISION.  
27 6-119.

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

1           **(2) “EVIDENCE-BASED PROGRAMS AND PRACTICES” MEANS**  
2 **PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS**  
3 **IN RECIDIVISM.**

4           **(3) “INNOVATIVE PROGRAMS AND PRACTICES” MEANS PROGRAMS**  
5 **THAT DO NOT MEET THE STANDARD OF EVIDENCE-BASED PRACTICES BUT WHICH**  
6 **PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF**  
7 **OFFENDER RECIDIVISM.**

8           **(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT**  
9 **ARE CONSISTENT WITH EVIDENCE-BASED PROGRAMS AND PRACTICES AND**  
10 **INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER**  
11 **OR PAROLEE TO IMPROVE CONDUCT, TO REDUCE THE RISK OF RECIDIVISM, AND TO**  
12 **PAY RESTITUTION.**

13           **(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY**  
14 **CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.**

15 **6-120.**

16           **THE DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION AGENTS AND**  
17 **SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO UNDERGO**  
18 **ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH, REGARDING:**

19           **(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN**  
20 **INDIVIDUAL’S CRIMINAL RISK FACTORS;**

21           **(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND**

22           **(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR**  
23 **CHANGE, INCLUDING REGARDING THE PAYMENT OF RESTITUTION.**

24 **6-121.**

25           **(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE**  
26 **SUPERVISION OF THE DIVISION.**

27           **(B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN**  
28 **RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.**

29           **(2) GRADUATED SANCTIONS MAY NOT INCLUDE INCARCERATION OR**  
30 **INVOLUNTARY DETENTION.**

1           **(3) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A**  
2 **TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A**  
3 **RESULT OF THE VIOLATION.**

4           **(C) THE DEPARTMENT SHALL:**

5           **(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED**  
6 **SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF**  
7 **COMMUNITY SUPERVISION;**

8           **(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE PROGRAM**  
9 **AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN**  
10 **INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE**  
11 **GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND**

12           **(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT**  
13 **IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT**  
14 **INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE**  
15 **NONCUSTODIAL SANCTIONS TO BE IMPOSED.**

16           **(D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN EXHAUSTED,**  
17 **THE DIVISION SHALL REFER THE INDIVIDUAL TO THE COURT OR THE COMMISSION**  
18 **FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION OF PROBATION,**  
19 **PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE**  
20 **OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.**

21 **7-101.**

22           **(a) In this title the following words have the meanings indicated.**

23           **(m) “Violent crime” means:**

24           **(1) a crime of violence as defined in § 14-101 of the Criminal Law Article;**

25 **or**

26           **(2) burglary in the first, second, or third degree.**

27 **7-103.**

28           **(a) In this section, “offender” has the meaning stated in § 6-101 of this article.**

29           **(b) The Department may issue a certificate of completion to an offender who:**

30           **(1) was supervised by the Department under conditions of:**

- 1                   (i) parole;
- 2                   (ii) probation; or
- 3                   (iii) mandatory release supervision;
- 4                   (2) has completed all special and general conditions of supervision,  
5 including paying all required restitution, fines, fees, and other payment obligations; and
- 6                   (3) is no longer under the jurisdiction of the Department.

7 **7-104.**

8           **(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION TO**  
9 **AN INDIVIDUAL WHO:**

10                   **(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:**

11                               **(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE**  
12 **CRIMINAL LAW ARTICLE; OR**

13                               **(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED**  
14 **UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;**

15                   **(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION**  
16 **UNDER CONDITIONS OF:**

17                               **(I) PAROLE;**

18                               **(II) PROBATION; OR**

19                               **(III) MANDATORY RELEASE SUPERVISION;**

20                   **(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF**  
21 **SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND**  
22 **OTHER PAYMENT OBLIGATIONS; AND**

23                   **(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF**  
24 **PAROLE AND PROBATION.**

25           **(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF**  
26 **NONVIOLENT EX-OFFENDERS AND REMOVE BARRIERS TO THEIR ABILITY TO**  
27 **DEMONSTRATE FITNESS FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS**  
28 **REQUIRED BY THE STATE.**

1           (C) A LICENSING BOARD MAY NOT DENY AN OCCUPATIONAL LICENSE OR  
2 CERTIFICATE TO AN APPLICANT WHO HAS BEEN ISSUED A CERTIFICATE OF  
3 REHABILITATION SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY  
4 BEEN CONVICTED OF THE CRIME THAT IS THE SUBJECT OF THE CERTIFICATE OF  
5 REHABILITATION, UNLESS THE LICENSING BOARD DETERMINES THAT:

6           (1) THERE IS A DIRECT RELATIONSHIP BETWEEN THE APPLICANT'S  
7 PREVIOUS CONVICTION AND THE SPECIFIC OCCUPATIONAL LICENSE OR  
8 CERTIFICATE SOUGHT; OR

9           (2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD INVOLVE  
10 AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC  
11 INDIVIDUALS OR THE GENERAL PUBLIC.

12           (D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS  
13 SECTION, THE LICENSING BOARD SHALL CONSIDER:

14           (1) THE POLICY OF THE STATE EXPRESSED IN SUBSECTION (B) OF  
15 THIS SECTION;

16           (2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A  
17 LICENSEE OR CERTIFICATE HOLDER;

18           (3) WHETHER THE APPLICANT'S PREVIOUS CONVICTION HAS ANY  
19 IMPACT ON THE APPLICANT'S FITNESS OR ABILITY TO PERFORM THE DUTIES AND  
20 RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;

21           (4) THE AGE OF THE APPLICANT AT THE TIME OF THE CONVICTION  
22 AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE CONVICTION;

23           (5) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE APPLICANT  
24 WAS CONVICTED;

25           (6) OTHER INFORMATION PROVIDED BY THE APPLICANT OR ON THE  
26 APPLICANT'S BEHALF WITH REGARD TO THE APPLICANT'S REHABILITATION AND  
27 GOOD CONDUCT; AND

28           (7) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN PROTECTING  
29 PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC INDIVIDUALS OR THE  
30 GENERAL PUBLIC.

31           (E) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF  
32 REHABILITATION PER LIFETIME.

1           **(F) THE COURT OF APPEALS IS NOT A LICENSING BOARD FOR PURPOSES OF**  
2 **THIS SECTION.**

3           **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN**  
4 **APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT**  
5 **ALLOWS THE STATE'S ATTORNEY AND THE VICTIM TO OBJECT TO THE ISSUANCE OF**  
6 **THE CERTIFICATE OF REHABILITATION.**

7 7-205.

8           **(a) The Commission has the exclusive power to:**

9                   **(1) authorize the parole of an individual sentenced under the laws of the**  
10 **State to any correctional facility in the State;**

11                   **(2) negotiate, enter into, and sign predetermined parole release agreements**  
12 **as provided under subsection (b) of this section;**

13                   **(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:**

14                           **(i) the Commissioner of Correction, after reviewing the**  
15 **recommendation of the appropriate managing official, objects to a parole;**

16                           **(ii) the inmate was convicted of a homicide;**

17                           **(iii) the inmate is serving a sentence of life imprisonment; [or]**

18                           **(iv) the parole hearing is open to the public under § 7-304 of this title;**

19                   **(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE**  
20 **ADMINISTRATIVE RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF THIS TITLE;**

21                   **(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER §**  
22 **7-301.1 OF THIS TITLE; OR**

23                   **(VII) THE COMMISSION FINDS THAT A HEARING FOR**  
24 **ADMINISTRATIVE RELEASE IS NECESSARY UNDER § 7-301.1 OF THIS TITLE;**

25                   **(4) hear exceptions to recommendations of a hearing examiner or a**  
26 **commissioner acting as a hearing examiner;**

27                   **(5) review summarily all recommendations of a hearing examiner or a**  
28 **commissioner acting as a hearing examiner to which an exception has not been filed;**

1           (6) hear a case for parole in absentia when an individual who was sentenced  
2 in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction  
3 other than this State;

4           (7) hear cases of parole revocation; [and]

5           (8) if delegated by the Governor, hear cases involving an alleged violation  
6 of a conditional pardon; AND

7           (9) **DETERMINE CONDITIONS FOR ADMINISTRATIVE RELEASE UNDER**  
8 **§ 7-301.1 OF THIS TITLE.**

9           (b) (1) (i) The Commission may negotiate, enter into, and sign a  
10 predetermined parole release agreement with the Commissioner of Correction and an inmate  
11 under the jurisdiction of the Commission.

12                       (ii) The agreement may provide for the release of the inmate on parole  
13 at a predetermined time if, during the inmate's term of confinement, the inmate participates  
14 in the programs designated by the Commission and fulfills any other conditions specified in  
15 the agreement.

16           (2) This subsection does not affect any diminution of an inmate's term of  
17 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR AN  
18 **INMATE'S ELIGIBILITY FOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THIS**  
19 **TITLE.**

20 7-301.

21           (a) (1) Except as otherwise provided in this section, the Commission shall  
22 request that the Division of Parole and Probation make an investigation for inmates in a  
23 local correctional facility and the Division of Correction make an investigation for inmates  
24 in a State correctional facility that will enable the Commission to determine the advisability  
25 of granting parole to an inmate who:

26                       (i) has been sentenced under the laws of the State to serve a term of  
27 6 months or more in a correctional facility; and

28                       (ii) has served in confinement one-fourth of the inmate's aggregate  
29 sentence.

30           (2) Except as provided in paragraph (3) of this subsection, or as otherwise  
31 provided by law or in a predetermined parole release agreement, an inmate is not eligible  
32 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate  
33 sentence.

1           (3) An inmate may be released on parole at any time in order to undergo  
 2 drug or alcohol treatment, mental health treatment, or to participate in a residential  
 3 program of treatment in the best interest of an inmate's expected or newborn child if the  
 4 inmate:

5                   (i) is not serving a sentence for a crime of violence, as defined in §  
 6 14-101 of the Criminal Law Article;

7                   (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §  
 8 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal  
 9 Law Article; and

10                   (iii) has been determined to be amenable to treatment.

11           (4) The Division of Parole and Probation shall complete and submit to the  
 12 Commission each investigation of an inmate in a local correctional facility required under  
 13 paragraph (1) of this subsection within 60 days of commitment.

14           **(E) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A THIRD OR**  
 15 **SUBSEQUENT CONVICTION OF A FELONY VIOLATION OF TITLE 5, SUBTITLE 6 OF THE**  
 16 **CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER OCTOBER 1, 2017, IS NOT**  
 17 **ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED IN CONFINEMENT ONE-HALF**  
 18 **OF THE INMATE'S AGGREGATE SENTENCE.**

19 **7-301.1.**

20           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
 21 **INDICATED.**

22                   **(2) "ADMINISTRATIVE RELEASE" MEANS RELEASE OF AN ELIGIBLE**  
 23 **INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S SENTENCE AND MET THE**  
 24 **REQUIREMENTS ESTABLISHED UNDER THIS SECTION.**

25                   **(3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:**

26                           **(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO**  
 27 **SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;**

28                           **(II) IS SERVING A SENTENCE FOR WHICH THE MOST SERIOUS**  
 29 **OFFENSE IS:**

30                                   **1. A VIOLATION OF §§ 5-601 THROUGH 5-606 OF THE**  
 31 **CRIMINAL LAW ARTICLE; OR**



1                                   **2. A VIOLATION INVOLVING A VALUE OF \$1,500 OR LESS**  
2 **OF § 7-104, § 8-103, § 8-206, § 8-207, § 8-209, § 8-301, § 8-509, § 8-510, § 8-511, §**  
3 **8-512, § 8-513, § 8-514, § 8-515, § 8-611, OR § 8-801 OF THE CRIMINAL LAW**  
4 **ARTICLE;**

5                                   **(III) DOES NOT HAVE A PRIOR CONVICTION FOR:**

6                                   **1. A VIOLENT CRIME; OR**

7                                   **2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS**  
8 **REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;**

9                                   **(IV) DOES NOT HAVE TWO OR MORE CONVICTIONS FOR A**  
10 **VIOLATION OF §§ 5-602 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; AND**

11                                   **(V) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT**  
12 **THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY**  
13 **PORTION OF THE SENTENCE.**

14                                   **(4) "VICTIM" MEANS:**

15                                   **(I) A PERSON WHO IS THE VICTIM OF A CRIME COMMITTED BY**  
16 **AN ELIGIBLE INMATE; OR**

17                                   **(II) IF THE PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH**  
18 **IS DECEASED, DISABLED, OR A MINOR, A DESIGNATED FAMILY MEMBER, GUARDIAN**  
19 **AD LITEM, OR OTHER REPRESENTATIVE OF THE PERSON.**

20                                   **(B) (1) FOR AN INMATE IN A CORRECTIONAL FACILITY, THE COMMISSION**  
21 **SHALL:**

22                                   **(I) CONDUCT AN INVESTIGATION TO DETERMINE THE INMATE'S**  
23 **ELIGIBILITY FOR ADMINISTRATIVE RELEASE;**

24                                   **(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE**  
25 **INMATE MAY BE RELEASED AFTER HAVING SERVED ONE-FOURTH OF THE INMATE'S**  
26 **TERM OF CONFINEMENT; AND**

27                                   **(III) CALCULATE A TENTATIVE RELEASE ELIGIBILITY DATE FOR**  
28 **AN ELIGIBLE INMATE.**

29                                   **(2) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS**  
30 **SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE COMMISSION WITHIN**  
31 **60 DAYS OF COMMITMENT.**

1        (C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE  
2 COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,  
3 SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER  
4 SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN WITH  
5 WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON  
6 ADMINISTRATIVE RELEASE.

7        (D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION  
8 (C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS  
9 THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S  
10 ADMINISTRATIVE RELEASE DATE.

11        (2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT  
12 APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE RELEASE.

13        (E) (1) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL  
14 FACILITY SHALL:

15                (I) REVIEW THE PROGRESS OF AN ELIGIBLE INMATE'S CASE  
16 PLAN EVERY 8 WEEKS FROM THE DATE THE CASE PLAN WAS DEVELOPED;

17                (II) SEND A PROGRESS REPORT ON EACH ELIGIBLE INMATE'S  
18 CASE PLAN TO THE COMMISSION EVERY 4 MONTHS; AND

19                (III) SEND A PROGRESS REPORT TO THE COMMISSION OF AN  
20 ELIGIBLE INMATE'S COMPLIANCE OR NONCOMPLIANCE WITH THE CASE PLAN AT  
21 LEAST 30 DAYS BEFORE THE INMATE'S TENTATIVE ADMINISTRATIVE RELEASE  
22 ELIGIBILITY DATE.

23        (2) THE COMMISSION MAY PROVIDE WRITTEN INPUT ON THE  
24 ELIGIBLE INMATE'S PROGRESS TOWARD COMPLETION OF THE CASE PLAN.

25        (F) (1) NOTWITHSTANDING THE LIMITATIONS ON WHO IS CONSIDERED A  
26 VICTIM IN § 7-801 OF THIS TITLE, FOR PURPOSES OF THIS SECTION, A VICTIM HAS  
27 ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS  
28 TITLE FOR A PAROLE HEARING.

29        (2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL  
30 NOTIFY A VICTIM OF:

31                (I) THE ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE  
32 ELIGIBILITY DATE;

1                    (II) THE VICTIM'S RIGHT TO REQUEST AN OPEN HEARING UNDER  
2 § 7-304 OF THIS SUBTITLE; AND

3                    (III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY  
4 CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.

5                    (G) THE COMMISSION SHALL AUTHORIZE THE RELEASE OF AN ELIGIBLE  
6 INMATE ON ADMINISTRATIVE RELEASE, WITHOUT A HEARING BEFORE THE  
7 COMMISSION, AT THE INMATE'S RELEASE ELIGIBILITY DATE IF:

8                    (1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED  
9 UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;

10                    (2) THE INMATE HAS NOT COMMITTED A CATEGORY 1 RULE  
11 VIOLATION, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS;

12                    (3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION  
13 (F) OF THIS SECTION; AND

14                    (4) THE COMMISSION FINDS A HEARING UNNECESSARY CONSIDERING  
15 THE INMATE'S HISTORY, PROGRESS, AND COMPLIANCE.

16                    (H) AN INDIVIDUAL ON ADMINISTRATIVE RELEASE IS SUBJECT TO:

17                    (1) THE JURISDICTION OF THE COMMISSION IN THE SAME MANNER AS  
18 A PAROLEE; AND

19                    (2) ALL LAWS AND CONDITIONS THAT APPLY TO PAROLEES.

20                    (I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE  
21 RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR RELEASE AS PROVIDED  
22 UNDER THIS SUBTITLE.

23 7-305.

24                    Each hearing examiner and commissioner determining whether an inmate is suitable  
25 for parole, and the Commission before entering into a predetermined parole release  
26 agreement, shall consider:

27                    (1) the circumstances surrounding the crime;

28                    (2) the physical, mental, and moral qualifications of the inmate;

1           (3) the progress of the inmate during confinement, including the academic  
 2 progress of the inmate in the mandatory education program required under § 22-102 of the  
 3 Education Article;

4           (4) a report on a drug or alcohol evaluation that has been conducted on the  
 5 inmate, including any recommendations concerning the inmate's amenability for treatment  
 6 and the availability of an appropriate treatment program;

7           (5) whether there is reasonable probability that the inmate, if released on  
 8 parole, will remain at liberty without violating the law;

9           (6) whether release of the inmate on parole is compatible with the welfare of  
 10 society;

11           (7) an updated victim impact statement or recommendation prepared under  
 12 § 7-801 of this title;

13           (8) any recommendation made by the sentencing judge at the time of  
 14 sentencing;

15           (9) any information that is presented to a commissioner at a meeting with  
 16 the victim; [and]

17           (10) any testimony presented to the Commission by the victim or the victim's  
 18 designated representative under § 7-801 of this title; AND

19           **(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1**  
 20 **OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

21 7-309.

22           (a) This section applies to any inmate who is sentenced to a term of incarceration  
 23 for which all sentences being served, including any life sentence, are with the possibility of  
 24 parole.

25           (b) An inmate who is so **CHRONICALLY** debilitated or incapacitated by a medical  
 26 or mental health condition, disease, or syndrome as to be physically incapable of presenting  
 27 a danger to society may be released on medical parole at any time during the term of that  
 28 inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this  
 29 subtitle.

30           (c) (1) A request for a medical parole under this section may be filed with the  
 31 Maryland Parole Commission by:

32                   (i) the inmate seeking the medical parole;

1           (ii) an attorney;

2           (iii) a prison official or employee;

3           (iv) a medical professional;

4           (v) a family member; or

5           (vi) any other person.

6           (2) The request shall be in writing and shall articulate the grounds that  
7 support the appropriateness of granting the medical parole.

8           (d) Following review of the request, the Commission may:

9                 (1) find the request to be inconsistent with the best interests of public safety  
10 and take no further action; or

11                 (2) request that department or local correctional facility personnel provide  
12 information for formal consideration of parole release.

13           (e) The information to be considered by the Commission before granting medical  
14 parole shall, at a minimum, include:

15                 (1) **(I) A RECOMMENDATION BY THE MEDICAL PROFESSIONAL**  
16 **TREATING THE INMATE UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL**  
17 **CORRECTIONAL FACILITY; OR**

18                 **(II) IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN**  
19 **SUBSECTION (C)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT**  
20 **NO COST TO THE INMATE BY A MEDICAL PROFESSIONAL WHO IS INDEPENDENT FROM**  
21 **THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY;**

22                 **[(1)] (2) the inmate's medical information, including:**

23                         (i) a description of the inmate's condition, disease, or syndrome;

24                         (ii) a prognosis concerning the likelihood of recovery from the  
25 condition, disease, or syndrome;

26                         (iii) a description of the inmate's physical incapacity and score on the  
27 Karnofsky Performance Scale Index or similar classification of physical impairment; and

28                         (iv) a mental health evaluation, where relevant;

29                 **[(2)] (3) discharge information, including:**

- 1                    (i)    availability of treatment or professional services within the  
2 community;
- 3                    (ii)   family support within the community; and
- 4                    (iii)   housing availability, including hospital or hospice care; and
- 5                    ~~[(3)]~~ (4)    case management information, including:
- 6                    (i)    the circumstances of the current offense;
- 7                    (ii)   institutional history;
- 8                    (iii)   pending charges, sentences and other jurisdictions, and any other  
9 detainers; and
- 10                   (iv)   criminal history information.
- 11                (f)    The Commission may require as a condition of release on medical parole that:
- 12                    (1)    the parolee agree to placement for a definite or indefinite period of time  
13 in a hospital or hospice or other housing accommodation suitable to the parolee's medical  
14 condition, including the family home of the parolee, as specified by the Commission or the  
15 supervising agent; and
- 16                    (2)    the parolee forward authentic copies of applicable medical records to  
17 indicate that the particular medical condition giving rise to the release continues to exist.
- 18                (g)    (1)    If the Commission has reason to believe that a parolee is no longer so  
19 debilitated or incapacitated as to be physically incapable of presenting a danger to society,  
20 the parolee shall be returned to the custody of the Division of Correction or the local  
21 correctional facility from which the inmate was released.
- 22                    (2)    (i)    A parole hearing for a parolee returned to custody shall be held to  
23 consider whether the parolee remains incapacitated and shall be heard promptly.
- 24                    (ii)   A parolee returned to custody under this subsection shall be  
25 maintained in custody, if the incapacitation is found to no longer exist.
- 26                    (3)    An inmate whose medical parole is revoked for lack of continued  
27 incapacitation may be considered for parole in accordance with the eligibility requirements  
28 specified in § 7-301 of this subtitle.
- 29                (h)    (1)    Subject to paragraph (2) of this subsection, provisions of law relating to  
30 victim notification and opportunity to be heard shall apply to proceedings relating to  
31 medical parole.

1           (2) In cases of imminent death, time limits relating to victim notification  
2 and opportunity to be heard may be REDUCED OR waived in the discretion of the  
3 Commission.

4           (i) [Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this  
5 section for a person serving a life sentence shall require the approval of the Governor]

6           (1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN  
7 INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE  
8 TRANSMITTED TO THE GOVERNOR.

9           (2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN  
10 TRANSMITTAL TO THE COMMISSION.

11           (3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN  
12 180 DAYS AFTER RECEIPT OF THE WRITTEN TRANSMITTAL, THE DECISION BECOMES  
13 EFFECTIVE.

14           (j) The Commission shall issue regulations to implement the provisions of this  
15 section.

16 7-401.

17           (a) If a parolee is alleged to have violated a condition of parole, one commissioner  
18 shall hear the case on revocation of the parole at the time and place that the Commission  
19 designates.

20           (b) (1) Each individual charged with a parole violation is entitled to be  
21 represented by counsel of the individual's choice or, if eligible, counsel provided by the Public  
22 Defender's office.

23           (2) The Commission shall keep a record of the hearing.

24           (c) If the commissioner finds from the evidence that the parolee has violated a  
25 condition of parole, the commissioner may take any action that the commissioner considers  
26 appropriate, including:

27           (1) (i) SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION, revoking  
28 the order of parole;

29           (ii) setting a future hearing date for consideration for reparole; and

30           (iii) remanding the individual to the Division of Correction or local  
31 correctional facility from which the individual was paroled; or

1           (2) continuing parole:

2                   (i) without modification of its conditions; or

3                   (ii) with modification of its conditions, including a requirement that  
4 the parolee spend all or part of the remaining parole period in a home detention program.

5           (d) (1) **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN ORDER**  
6 **OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN § 6-101 OF**  
7 **THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION MAY**  
8 **REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:**

9                   (I) **FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**

10                  (II) **FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**

11                  (III) **FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**

12           (2) Subject to paragraph [(2)] (3) of this subsection and further action by  
13 the Commission, if the order of parole is revoked FOR A FOURTH OR SUBSEQUENT  
14 TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, the  
15 commissioner hearing the parole revocation, in the commissioner's discretion, may require  
16 the inmate to serve any unserved portion of the sentence originally imposed.

17           [(2)] (3) An inmate may not receive credit for time between release on  
18 parole and revocation of parole if:

19                   (i) the inmate was serving a sentence for a violent crime when parole  
20 was revoked; and

21                   (ii) the parole was revoked due to a finding that the inmate committed  
22 a violent crime while on parole.

23           (4) (I) **THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS**  
24 **ON THE PERIOD OF IMPRISONMENT THAT MAY BE IMPOSED FOR A TECHNICAL**  
25 **VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.**

26                   (II) **THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER**  
27 **FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING**  
28 **FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF IMPRISONMENT**  
29 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK**  
30 **TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:**

31                   1. **THE NATURE OF THE PAROLE VIOLATION;**



1                                   **2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR**  
 2 **WHICH THE PAROLEE WAS CONVICTED; AND**

3                                   **3. THE PAROLEE'S HISTORY.**

4                                   **(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD**  
 5 **CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH**  
 6 **(II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:**

7                                   **1. DIRECT IMPOSITION OF A LONGER PERIOD OF**  
 8 **IMPRISONMENT THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO**  
 9 **MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR**

10                                   **2. COMMIT THE PAROLEE TO THE DEPARTMENT OF**  
 11 **HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH-**  
 12 **GENERAL ARTICLE.**

13                                   **(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
 14 **OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO**  
 15 **APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS**  
 16 **ARTICLE.**

17                   (e) Subject to subsection (d) of this section, if a sentence has commenced as  
 18 provided under § 9-202(c)(2) of this article and the inmate is serving that sentence when the  
 19 order of parole is revoked, any reimposed portion of the sentence originally imposed shall  
 20 begin at the expiration of any sentences which were begun under § 9-202(c)(2) of this article.

21                   (f) (1) The inmate may seek judicial review in the circuit court within 30 days  
 22 after receiving the written decision of the Commission.

23                                   (2) The court shall hear the action on the record.

24 7-504.

25                   (a) (1) In this section[, "term] THE FOLLOWING WORDS HAVE THE  
 26 MEANINGS INDICATED.

27                                   (2) "TERM of confinement" has the meaning stated in § 3-701 of this article.

28                                   (3) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101  
 29 OF THIS ARTICLE.

30                   (b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
 31 commissioner presiding at an individual's mandatory supervision revocation hearing may

1 revoke [any or all of the] diminution credits previously earned by the individual on the  
 2 individual's term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

3 (I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL  
 4 VIOLATION;

5 (II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL  
 6 VIOLATION;

7 (III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL  
 8 VIOLATION; AND

9 (IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR  
 10 SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL  
 11 VIOLATION.

12 (2) Nothing in this section affects the prohibition against the application of  
 13 diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate  
 14 convicted and sentenced to imprisonment for a crime committed while on mandatory  
 15 supervision.

16 (3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS  
 17 ON THE REVOCATION OF DIMINUTION CREDITS FOR A TECHNICAL VIOLATION  
 18 ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

19 (II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER  
 20 FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING  
 21 FACTORS, THAT ADHERING TO THE LIMITS ON THE REVOCATION OF DIMINUTION  
 22 CREDITS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD  
 23 CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

24 1. THE NATURE OF THE MANDATORY SUPERVISION  
 25 VIOLATION;

26 2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR  
 27 WHICH THE INMATE WAS CONVICTED; AND

28 3. THE INMATE'S HISTORY.

29 (III) ON FINDING THAT ADHERING TO THE LIMITS WOULD  
 30 CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH  
 31 (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1                    **1. DIRECT THAT A GREATER NUMBER OF DIMINUTION**  
2 **CREDITS BE REVOKED THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION; OR**

3                    **2. COMMIT THE INMATE TO THE DEPARTMENT OF**  
4 **HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH-**  
5 **GENERAL ARTICLE.**

6                    **(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
7 **OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO**  
8 **APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS**  
9 **ARTICLE.**

10                  *[(c) After an inmate's mandatory supervision has been revoked, the inmate may not*  
11 *be awarded any new diminution credits on the term of confinement for which the inmate*  
12 *was on mandatory supervision.]*

13 *9-402.*

14                  *(a) In this section, "sentenced inmates" means those inmates confined in a local*  
15 *correctional facility after being sentenced to the custody of the local correctional facility for*  
16 *more than 12 months and not more than 18 months.*

17                  *(b) Subject to subsection (d) of this section, for each fiscal year the State shall*  
18 *provide each county a grant equal to at least \$45 for each day from the end of the 12th month*  
19 *through the end of the 18th month that a sentenced inmate was confined in a local*  
20 *correctional facility during the second preceding fiscal year.*

21                  *(c) Subject to subsection (d) of this section, for each fiscal year the State shall*  
22 *provide each county a grant equal to at least \$45 for each day:*

23                    **(1) after the first day through the day of release that an inmate who has**  
24 **been sentenced to the jurisdiction of the Division of Correction was confined in a local**  
25 **correctional facility during the second preceding fiscal year; OR**

26                    **(2) THAT AN INMATE WHO HAS BEEN SENTENCED TO THE**  
27 **JURISDICTION OF THE DIVISION OF CORRECTION RECEIVED REENTRY OR OTHER**  
28 **PRERELEASE PROGRAMMING AND SERVICES FROM A LOCAL CORRECTIONAL**  
29 **FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.**

30                  *(d) (1) On or before October 1 of each year, each county shall submit to the*  
31 *Department inmate days reports for the previous fiscal year.*

32                  *(2) If a county fails to submit the information required under paragraph (1)*  
33 *of this subsection when due, the Department shall deduct an amount equal to 20% of the*

1 grant under subsection (b) of this section for each 30 days or part of 30 days after the due  
 2 date that the information has not been submitted.

3 9-614.

4 (A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL  
 5 CORRECTIONAL FACILITY.

6 (B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.

7 (C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:

8 (1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR  
 9 THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;

10 (2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;

11 (3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND

12 (4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE  
 13 WITH SUBSECTION (D) OF THIS SECTION.

14 (D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE  
 15 SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE  
 16 UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE  
 17 DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME,  
 18 IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.

19 (2) (I) THIS PARAGRAPH APPLIES TO AN INMATE WHO IS SUBJECT  
 20 TO AN UNSATISFIED JUDGMENT OF RESTITUTION.

21 (II) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED  
 22 UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE  
 23 DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME  
 24 UNTIL THE JUDGMENT IS SATISFIED.

25 (3) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY  
 26 PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT  
 27 SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS  
 28 SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED  
 29 UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.

30 (II) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL  
 31 DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT

1 RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT  
2 SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS  
3 REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.

4 (4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION  
5 OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD  
6 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:

7 (I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND  
8 ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND

9 (II) 50% INTO THE STATE VICTIMS OF CRIME FUND  
10 ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

11 (E) THE DEPARTMENT SHALL:

12 (1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS  
13 AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION;  
14 AND

15 (2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE  
16 WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.

17 11-504.

18 (a) An inmate who is sentenced to a local correctional facility shall be allowed an  
19 initial deduction from the inmate's term of confinement.

20 (b) The deduction described in subsection (a) of this section shall be calculated:

21 (1) from the first day of the inmate's postsentence commitment to the custody  
22 of the local correctional facility to the last day of the inmate's maximum term of confinement;

23 (2) (I) at the rate of 5 days for each calendar month IF THE INMATE'S  
24 TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE  
25 FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE  
26 OR A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A  
27 CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR § 5-613 OF THE  
28 CRIMINAL LAW ARTICLE; OR

29 (II) AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR  
30 ALL OTHER INMATES; and

31 (3) on a prorated basis for any portion of a calendar month.

1 [11-604.

2 (a) The Department shall collect an inmate's earnings.

3 (b) From an inmate's earnings, the Department shall:

4 (1) reimburse the county or State for the cost of providing food, lodging, and  
5 clothing to the inmate in a local correctional facility;

6 (2) pay court ordered payments for support of dependents;

7 (3) pay court ordered payments for restitution; and

8 (4) pay compensation for victims of crime in accordance with subsection (c)  
9 of this section.

10 (c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry  
11 Enhancement Certification Program of the United States Department of Justice, Bureau of  
12 Justice Assistance, the Department shall withhold 20% for compensation for victims of  
13 crime, in accordance with the requirements of the Program.

14 (2) (i) If a court in a criminal or juvenile delinquency proceeding has  
15 ordered the inmate to pay restitution, the Department shall forward the 20% withheld under  
16 paragraph (1) of this subsection to the Criminal Injuries Compensation Fund established  
17 under § 11-819 of the Criminal Procedure Article.

18 (ii) The Criminal Injuries Compensation Board shall distribute from  
19 the Criminal Injuries Compensation Fund any amount received under this paragraph to the  
20 person or governmental unit specified in the judgment of restitution to pay the restitution as  
21 required under § 11-607(b)(2) of the Criminal Procedure Article.

22 (3) If the inmate is not subject to a judgment of restitution or the judgment  
23 of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the  
24 Department shall pay:

25 (i) 50% into the Criminal Injuries Compensation Fund established  
26 under § 11-819 of the Criminal Procedure Article; and

27 (ii) 50% into the State Victims of Crime Fund established under §  
28 11-916 of the Criminal Procedure Article.

29 (d) The Department shall:

30 (1) credit to the inmate's account any balance that remains after paying the  
31 items in subsection (b)(1) through (3) of this section; and

1                     (2) pay the balance in the inmate's account to the inmate within 15 days  
2 after the inmate is released.]

3                                     Article – Criminal Law

4 2-204.

5             (a) A murder that is not in the first degree under § 2-201 of this subtitle is in the  
6 second degree.

7             (b) A person who commits a murder in the second degree is guilty of a felony and  
8 on conviction is subject to imprisonment not exceeding [30] 40 years.

9 3-601.

10             (a)    (1) In this section the following words have the meanings indicated.

11                       (2) “Abuse” means physical injury sustained by a minor as a result of cruel  
12 or inhumane treatment or as a result of a malicious act under circumstances that indicate  
13 that the minor's health or welfare is harmed or threatened by the treatment or act.

14                       (3) “Family member” means a relative of a minor by blood, adoption, or  
15 marriage.

16                       (4) “Household member” means a person who lives with or is a regular  
17 presence in a home of a minor at the time of the alleged abuse.

18                       (5) “Severe physical injury” means:

19                               (i) brain injury or bleeding within the skull;

20                               (ii) starvation; or

21                               (iii) physical injury that:

22                                     1. creates a substantial risk of death; or

23                                     2. causes permanent or protracted serious:

24                                       A. disfigurement;

25                                       B. loss of the function of any bodily member or organ; or

26                                       C. impairment of the function of any bodily member or organ.

1           **(b) (1)** A parent, family member, household member, or other person who has  
2 permanent or temporary care or custody or responsibility for the supervision of a minor may  
3 not cause abuse to the minor that:

4                   **(i)** results in the death of the minor; or

5                   **(ii)** causes severe physical injury to the minor.

6           **(2)** Except as provided in subsection (c) of this section, a person who violates  
7 paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and  
8 on conviction is subject to:

9                   **(i)** imprisonment not exceeding 25 years; [or]

10                   **(ii)** if the violation results in the death of [the] A victim **AT LEAST 13**  
11 **YEARS OLD**, imprisonment not exceeding 40 years; **OR**

12                   **(III)** **IF THE VIOLATION RESULTS IN THE DEATH OF A VICTIM**  
13 **UNDER THE AGE OF 13 YEARS, IMPRISONMENT NOT EXCEEDING LIFE.**

14           **(c)** A person who violates this section after being convicted of a previous violation  
15 of this section is guilty of a felony and on conviction is subject to:

16                   **(1)** imprisonment not exceeding 25 years; or

17                   **(2)** if the violation results in the death of the victim, imprisonment not  
18 exceeding [40 years] **LIFE**.

19           **(d) (1) (i)** A parent or other person who has permanent or temporary care or  
20 custody or responsibility for the supervision of a minor may not cause abuse to the minor.

21                   **(ii)** A household member or family member may not cause abuse to a  
22 minor.

23           **(2)** Except as provided in subsection (c) of this section, a person who violates  
24 paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree  
25 and on conviction is subject to imprisonment not exceeding 15 years.

26           **(e)** A sentence imposed under this section may be separate from and consecutive to  
27 or concurrent with a sentence for any crime based on the act establishing the violation of this  
28 section.

29 5-601.

30           **(a)** Except as otherwise provided in this title, a person may not:



1           (1) possess or administer to another a controlled dangerous substance,  
2 unless obtained directly or by prescription or order from an authorized provider acting in  
3 the course of professional practice; or

4           (2) obtain or attempt to obtain a controlled dangerous substance, or procure  
5 or attempt to procure the administration of a controlled dangerous substance by:

6                   (i) fraud, deceit, misrepresentation, or subterfuge;

7                   (ii) the counterfeiting or alteration of a prescription or a written  
8 order;

9                   (iii) the concealment of a material fact;

10                   (iv) the use of a false name or address;

11                   (v) falsely assuming the title of or representing to be a manufacturer,  
12 distributor, or authorized provider; or

13                   (vi) making, issuing, or presenting a false or counterfeit prescription  
14 or written order.

15           (b) Information that is communicated to a physician in an effort to obtain a  
16 controlled dangerous substance in violation of this section is not a privileged  
17 communication.

18           (c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a  
19 person who violates this section is guilty of a misdemeanor and on conviction is subject to  
20 [imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both]:

21                   **(I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING**  
22 **1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH;**

23                   **(II) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT**  
24 **EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR**

25                   **(III) FOR A FOURTH OR SUBSEQUENT CONVICTION,**  
26 **IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**  
27 **BOTH.**

28           (2) (i) Except as provided in subparagraph (ii) of this paragraph, a  
29 person whose violation of this section involves the use or possession of marijuana **IS GUILTY**  
30 **OF A MISDEMEANOR AND** is subject to imprisonment not exceeding [1 year] **6 MONTHS** or  
31 a fine not exceeding \$1,000 or both.

1           **(E) (1) (I) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OF**  
2 **THIS SECTION, THE COURT MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL**  
3 **HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN ASSESSMENT**  
4 **OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE WHETHER THE**  
5 **DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.**

6                           **(II) IF AN ASSESSMENT FOR SUBSTANCE USE DISORDER IS**  
7 **REQUESTED BY THE DEFENDANT AND THE COURT DENIES THE REQUEST, THE COURT**  
8 **SHALL STATE ON THE RECORD THE BASIS FOR THE DENIAL.**

9           **(2) ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE**  
11 **DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE**  
12 **USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR THE**  
13 **DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG**  
14 **TREATMENT NEEDS.**

15           **(3) THE COURT SHALL CONSIDER THE RESULTS OF AN ASSESSMENT**  
16 **PERFORMED UNDER PARAGRAPH (2) OF THIS SUBSECTION WHEN IMPOSING THE**  
17 **DEFENDANT'S SENTENCE AND:**

18                           **(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
19 **PARAGRAPH, THE COURT SHALL SUSPEND THE EXECUTION OF THE SENTENCE AND**  
20 **ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN**  
21 **NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DEPARTMENT OF HEALTH**  
22 **AND MENTAL HYGIENE OR THE DESIGNEE TO PROVIDE THE MEDICALLY**  
23 **APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE ASSESSMENT; OR**

24                           **(II) THE COURT MAY IMPOSE A TERM OF IMPRISONMENT UNDER**  
25 **SUBSECTION (C) OF THIS SECTION AND ORDER THE DIVISION OF CORRECTION OR**  
26 **LOCAL CORRECTIONAL FACILITY TO FACILITATE THE MEDICALLY APPROPRIATE**  
27 **LEVEL OF TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.**

28 5-602.

29 Except as otherwise provided in this title, a person may not:

30           **(1) distribute or dispense a controlled dangerous substance; or**

31           **(2) possess a controlled dangerous substance in sufficient quantity**  
32 **reasonably to indicate under all circumstances an intent to distribute or dispense a**  
33 **controlled dangerous substance.**

34 5-603.

1 Except as otherwise provided in this title, a person may not manufacture a controlled  
2 dangerous substance, or manufacture, distribute, or possess a machine, equipment,  
3 instrument, implement, device, or a combination of them that is adapted to produce a  
4 controlled dangerous substance under circumstances that reasonably indicate an intent to  
5 use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

6 5-604.

7 (a) In this section, “counterfeit substance” means a controlled dangerous  
8 substance, or its container or labeling, that:

9 (1) without authorization, bears a likeness of the trademark, trade name, or  
10 other identifying mark, imprint, number, or device of a manufacturer, distributor, or  
11 dispenser other than the actual manufacturer, distributor, or dispenser; and

12 (2) thereby falsely purports or is represented to be the product of, or to have  
13 been distributed by, the other manufacturer, distributor, or dispenser.

14 (b) Except as otherwise provided in this title, a person may not:

15 (1) create or distribute a counterfeit substance; or

16 (2) possess a counterfeit substance with intent to distribute it.

17 (c) Except as otherwise provided in this title, a person may not manufacture,  
18 distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic  
19 or imitation trademark, trade name, other identifying mark, imprint, number, or device of  
20 another onto a drug or the container or label of a drug, rendering the drug a counterfeit  
21 substance.

22 5-605.

23 (a) “Common nuisance” means a dwelling, building, vehicle, vessel, aircraft, or  
24 other place:

25 (1) resorted to by individuals for the purpose of administering illegally  
26 controlled dangerous substances; or

27 (2) where controlled dangerous substances or controlled paraphernalia are  
28 manufactured, distributed, dispensed, stored, or concealed illegally.

29 (b) A person may not keep a common nuisance.

30 5-606.

1           (a) Except as otherwise provided in this title, a person may not pass, issue, make,  
2 or possess a false, counterfeit, or altered prescription for a controlled dangerous substance  
3 with intent to distribute the controlled dangerous substance.

4           (b) Information that is communicated to an authorized prescriber in an effort to  
5 obtain a controlled dangerous substance in violation of subsection (a) of this section is not a  
6 privileged communication.

7 5-607.

8           (a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who violates  
9 a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and on conviction  
10 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

11           (b) [(1) Except as provided in § 5-609.1 of this subtitle, a person who has been  
12 convicted previously under subsection (a) of this section shall be sentenced to imprisonment  
13 for not less than 2 years.

14                   (2) The court may not suspend the mandatory minimum sentence to less  
15 than 2 years.

16                   (3) Except as provided in § 4-305 of the Correctional Services Article, the  
17 person is not eligible for parole during the mandatory minimum sentence.

18           (c) A person convicted under [subsection (a) of] this section is not prohibited from  
19 participating in a drug treatment program under § 8-507 of the Health – General Article  
20 because of the length of the sentence.

21 5-608.

22           (a) Except as otherwise provided in this section, a person who violates a provision  
23 of §§ 5-602 through 5-606 of this subtitle with respect to a Schedule I or Schedule II narcotic  
24 drug is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years  
25 or a fine not exceeding ~~[\$25,000]~~ **\$15,000** or both.

26           (b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is  
27 convicted under subsection (a) of this section or of conspiracy to commit a crime included in  
28 subsection (a) of this section [shall be sentenced] **IS SUBJECT** to imprisonment [for not less  
29 than 10] **NOT EXCEEDING 20** years [and is subject to] **OR** a fine not exceeding ~~[\$100,000]~~  
30 **\$15,000 OR BOTH** if the person previously has been convicted once:

31                           [(i)] (1) under subsection (a) of this section or § 5-609 of this  
32 subtitle;

33                           [(ii)] (2) of conspiracy to commit a crime included in subsection (a)  
34 of this section or § 5-609 of this subtitle; or

1 [(iii)] (3) of a crime under the laws of another state or the United  
2 States that would be a crime included in subsection (a) of this section or § 5-609 of this  
3 subtitle if committed in this State.

4 [(2) The court may not suspend the mandatory minimum sentence to less  
5 than 10 years.

6 (3) Except as provided in § 4-305 of the Correctional Services Article, the  
7 person is not eligible for parole during the mandatory minimum sentence.]

8 (c) (1) [Except as provided in § 5-609.1 of this subtitle, a] A person who is  
9 convicted under subsection (a) of this section or of conspiracy to commit a crime included in  
10 subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less  
11 than] NOT EXCEEDING 25 years [and is subject to] OR a fine not exceeding [\$100,000]  
12 \$25,000 OR BOTH if the person previously:

13 (i) has served at least one term of confinement of at least 180 days in  
14 a correctional institution as a result of a conviction:

15 1. under subsection (a) of this section or § 5-609 or § 5-614 of  
16 this subtitle;

17 2. of conspiracy to commit a crime included in subsection (a)  
18 of this section or § 5-609 of this subtitle; or

19 3. of a crime under the laws of another state or the United  
20 States that would be a crime included in subsection (a) of this section or § 5-609 of this  
21 subtitle if committed in this State; and

22 (ii) has been convicted twice, if the convictions arise from separate  
23 occasions:

24 1. under subsection (a) of this section or § 5-609 of this  
25 subtitle;

26 2. of conspiracy to commit a crime included in subsection (a)  
27 of this section or § 5-609 of this subtitle;

28 3. of a crime under the laws of another state or the United  
29 States that would be a crime included in subsection (a) of this section or § 5-609 of this  
30 subtitle if committed in this State; or

31 4. of any combination of these crimes.

1           (2) *[The court may not suspend any part of the mandatory minimum*  
2 *sentence of 25 years.*

3           (3) *Except as provided in § 4-305 of the Correctional Services Article, the*  
4 *person is not eligible for parole during the mandatory minimum sentence.*

5           (4) *A separate occasion is one in which the second or succeeding crime is*  
6 *committed after there has been a charging document filed for the preceding crime.*

7           (d) *[(1) Except as provided in § 5-609.1 of this subtitle, a] A person who*  
8 *is convicted under subsection (a) of this section or of conspiracy to commit a crime included*  
9 *in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not*  
10 *less than] NOT EXCEEDING 40 years [and is subject to] OR a fine not exceeding [\$100,000]*  
11 *\$25,000 OR BOTH if the person previously has served three or more separate terms of*  
12 *confinement as a result of three or more separate convictions:*

13                       *[(i)] (1) under subsection (a) of this section or § 5-609 of this*  
14 *subtitle;*

15                       *[(ii)] (2) of conspiracy to commit a crime included in subsection (a)*  
16 *of this section or § 5-609 of this subtitle;*

17                       *[(iii)] (3) of a crime under the laws of another state or the United*  
18 *States that would be a crime included in subsection (a) of this section or § 5-609 of this*  
19 *subtitle if committed in this State; or*

20                       *[(iv)] (4) of any combination of these crimes.*

21           (2) *The court may not suspend any part of the mandatory minimum*  
22 *sentence of 40 years.*

23           (3) *Except as provided in § 4-305 of the Correctional Services Article, the*  
24 *person is not eligible for parole during the mandatory minimum sentence.]*

25           (e) *A person convicted under subsection (a) of this section or of conspiracy to*  
26 *commit a crime included in subsection (a) of this section is not prohibited from participating*  
27 *in a drug treatment program under § 8-507 of the Health - General Article because of the*  
28 *length of the sentence.*

29 *5-609.*

30           (a) *Except as otherwise provided in this section, a person who violates a provision*  
31 *of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled*  
32 *dangerous substances is guilty of a felony and on conviction is subject to imprisonment not*  
33 *exceeding 20 years or a fine not exceeding [\$20,000] \$15,000 or both:*

- 1           (1) phencyclidine;
- 2           (2) 1-(1-phenylcyclohexyl) piperidine;
- 3           (3) 1-phenylcyclohexylamine;
- 4           (4) 1-piperidinocyclohexanecarbonitrile;
- 5           (5) N-ethyl-1-phenylcyclohexylamine;
- 6           (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 7           (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 8           (8) lysergic acid diethylamide; or
- 9           (9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA).
- 10           (b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is  
 11 convicted under subsection (a) of this section or of conspiracy to commit a crime included in  
 12 subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less  
 13 than 10] NOT EXCEEDING 20 years [and is subject to] OR a fine not exceeding [\$100,000]  
 14 \$15,000 OR BOTH if the person previously has been convicted once:
- 15                       [(i)] (1) under subsection (a) of this section or § 5-608 of this  
 16 subtitle;
- 17                       [(ii)] (2) of conspiracy to commit a crime included in subsection (a)  
 18 of this section or § 5-608 of this subtitle;
- 19                       [(iii)] (3) of a crime under the laws of another state or the United  
 20 States that would be a crime included in subsection (a) of this section or § 5-608 of this  
 21 subtitle if committed in this State; or
- 22                       [(iv)] (4) of any combination of these crimes.
- 23           (2) The court may not suspend the mandatory minimum sentence to less  
 24 than 10 years.
- 25           (3) Except as provided in § 4-305 of the Correctional Services Article, the  
 26 person is not eligible for parole during the mandatory minimum sentence.]

27           (c) (1) [Except as provided in § 5-609.1 of this subtitle, a] A person who is  
 28 convicted under subsection (a) of this section or of conspiracy to commit a crime included in  
 29 subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less

1 than] NOT EXCEEDING 25 years [and is subject to] OR a fine not exceeding [\$100,000]  
 2 \$25,000 OR BOTH if the person previously:

3 (i) has served at least one term of confinement of at least 180 days in  
 4 a correctional institution as a result of a conviction under subsection (a) of this section, §  
 5 5-608 of this subtitle, or § 5-614 of this subtitle; and

6 (ii) if the convictions do not arise from a single incident, has been  
 7 convicted twice:

8 1. under subsection (a) of this section or § 5-608 of this  
 9 subtitle;

10 2. of conspiracy to commit a crime included in subsection (a)  
 11 of this section or § 5-608 of this subtitle;

12 3. of a crime under the laws of another state or the United  
 13 States that would be a crime included in subsection (a) of this section or § 5-608 of this  
 14 subtitle if committed in this State; or

15 4. of any combination of these crimes.

16 (2) [The court may not suspend any part of the mandatory minimum  
 17 sentence of 25 years.

18 (3) Except as provided in § 4-305 of the Correctional Services Article, the  
 19 person is not eligible for parole during the mandatory minimum sentence.

20 (4) A separate occasion is one in which the second or succeeding crime is  
 21 committed after there has been a charging document filed for the preceding crime.

22 (d) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is  
 23 convicted under subsection (a) of this section or of conspiracy to commit a crime included in  
 24 subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less  
 25 than] NOT EXCEEDING 40 years [and is subject to] OR a fine not exceeding [\$100,000]  
 26 \$25,000 OR BOTH if the person previously has served three separate terms of confinement  
 27 as a result of three separate convictions:

28 [(i)] (1) under subsection (a) of this section or § 5-608 of this  
 29 subtitle;

30 [(ii)] (2) of conspiracy to commit a crime included in subsection (a)  
 31 of this section or § 5-608 of this subtitle;



1 [(iii)] (3) of a crime under the laws of another state or the United  
2 States that would be a crime included in subsection (a) of this section or § 5-608 of this  
3 subtle if committed in this State; or

4 [(iv)] (4) of any combination of these crimes.

5 [(2) The court may not suspend any part of the mandatory minimum  
6 sentence of 40 years.

7 (3) Except as provided in § 4-305 of the Correctional Services Article, the  
8 person is not eligible for parole during the mandatory minimum sentence.]

9 (e) A person convicted under subsection (a) of this section or of conspiracy to  
10 commit a crime included in subsection (a) of this section is not prohibited from participating  
11 in a drug treatment program under § 8-507 of the Health – General Article because of the  
12 length of the sentence.

13 [5-609.1.

14 A court may depart from a mandatory minimum sentence prescribed in § 5-607, §  
15 5-608, or § 5-609 of this subtitle if the court finds and states on the record that, giving due  
16 regard to the nature of the crime, the history and character of the defendant, and the  
17 defendant's chances of successful rehabilitation:

18 (1) imposition of the mandatory minimum sentence would NOT result in  
19 substantial injustice to the defendant; and

20 (2) the mandatory minimum sentence is not necessary for the protection of  
21 the public.]

22 5-609.1.

23 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO  
24 SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF  
25 CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR  
26 BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF  
27 THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY  
28 MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4-345, REGARDLESS OF  
29 WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A  
30 MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.

31 (B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE  
32 MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE  
33 REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE  
34 DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:

1           **(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD NOT**  
2 **RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND**

3           **(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE**  
4 **PROTECTION OF THE PUBLIC.**

5           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
6 **AN APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION SHALL**  
7 **BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30,**  
8 **2018.**

9           **(2) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER**  
10 **30, 2018, ONLY FOR GOOD CAUSE SHOWN.**

11           **(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF A**  
12 **REQUEST FOR A HEARING.**

13           **(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A**  
14 **HEARING UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM**  
15 **SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE.**

16 **5-612.**

17           **(a) A person may not manufacture, distribute, dispense, or possess:**

18           **(1) 50 pounds or more of marijuana;**

19           **(2) 448 grams or more of cocaine;**

20           **(3) 448 grams or more of any mixture containing a detectable amount of**  
21 **cocaine;**

22           **(4) [50] 448 grams or more of cocaine base, commonly known as "crack";**

23           **(5) 28 grams or more of morphine or opium or any derivative, salt, isomer,**  
24 **or salt of an isomer of morphine or opium;**

25           **(6) any mixture containing 28 grams or more of morphine or opium or any**  
26 **derivative, salt, isomer, or salt of an isomer of morphine or opium;**

27           **(7) 1,000 dosage units or more of lysergic acid diethylamide;**

28           **(8) any mixture containing the equivalent of 1,000 dosage units of lysergic**  
29 **acid diethylamide;**

1           (9) 16 ounces or more of phencyclidine in liquid form;

2           (10) 448 grams or more of any mixture containing phencyclidine;

3           (11) 448 grams or more of methamphetamine; or

4           (12) any mixture containing 448 grams or more of methamphetamine.

5           (b) For the purpose of determining the quantity of a controlled dangerous  
6 substance involved in individual acts of manufacturing, distributing, dispensing, or  
7 possessing under subsection (a) of this section, the acts may be aggregated if each of the acts  
8 occurred within a 90-day period.

9           (c) (1) A person who is convicted of a violation of subsection (a) of this section  
10 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not  
11 exceeding \$100,000.

12           (2) The court may not suspend any part of the mandatory minimum  
13 sentence of 5 years.

14           (3) Except as provided in § 4-305 of the Correctional Services Article, the  
15 person is not eligible for parole during the mandatory minimum sentence.

16 5-905.

17           (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person  
18 convicted of a subsequent crime under this title is subject to:

19           (1) a term of imprisonment twice that otherwise authorized;

20           (2) twice the fine otherwise authorized; or

21           (3) both.

22           (b) For purposes of this section, a crime is considered a subsequent crime, if, before  
23 the conviction for the crime, the offender has ever been convicted of a crime under this title  
24 or under any law of the United States or of this or another state relating to other controlled  
25 dangerous substances.

26           (c) A person convicted of a subsequent crime under a law superseded by this title  
27 is eligible for parole, probation, and suspension of sentence in the same manner as those  
28 persons convicted under this title.

29           (d) A sentence on a single count under this section may be imposed in conjunction  
30 with other sentences under this title.

1           **(E) A PERSON WHOSE PRIOR AND SUBSEQUENT CONVICTIONS WERE FOR A**  
2 **VIOLATION OF § 5-601, § 5-602, § 5-603, § 5-604, § 5-605, OR § 5-606 OF THIS TITLE**  
3 **IS SUBJECT TO THIS SECTION ONLY IF THE PERSON WAS ALSO PREVIOUSLY**  
4 **CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE.**

5 7-104.

6           (a) A person may not willfully or knowingly obtain or exert unauthorized control  
7 over property, if the person:

8                   (1) intends to deprive the owner of the property;

9                   (2) willfully or knowingly uses, conceals, or abandons the property in a  
10 manner that deprives the owner of the property; or

11                   (3) uses, conceals, or abandons the property knowing the use, concealment,  
12 or abandonment probably will deprive the owner of the property.

13           (b) A person may not obtain control over property by willfully or knowingly using  
14 deception, if the person:

15                   (1) intends to deprive the owner of the property;

16                   (2) willfully or knowingly uses, conceals, or abandons the property in a  
17 manner that deprives the owner of the property; or

18                   (3) uses, conceals, or abandons the property knowing the use, concealment,  
19 or abandonment probably will deprive the owner of the property.

20           (c) (1) A person may not possess stolen personal property knowing that it has  
21 been stolen, or believing that it probably has been stolen, if the person:

22                           (i) intends to deprive the owner of the property;

23                           (ii) willfully or knowingly uses, conceals, or abandons the property in  
24 a manner that deprives the owner of the property; or

25                           (iii) uses, conceals, or abandons the property knowing that the use,  
26 concealment, or abandonment probably will deprive the owner of the property.

27                   (2) In the case of a person in the business of buying or selling goods, the  
28 knowledge required under this subsection may be inferred if:

29                           (i) the person possesses or exerts control over property stolen from  
30 more than one person on separate occasions;

1                   (ii) during the year preceding the criminal possession charged, the  
2 person has acquired stolen property in a separate transaction; or

3                   (iii) being in the business of buying or selling property of the sort  
4 possessed, the person acquired it for a consideration that the person knew was far below a  
5 reasonable value.

6                   (3) In a prosecution for theft by possession of stolen property under this  
7 subsection, it is not a defense that:

8                   (i) the person who stole the property has not been convicted,  
9 apprehended, or identified;

10                  (ii) the defendant stole or participated in the stealing of the property;

11                  (iii) the property was provided by law enforcement as part of an  
12 investigation, if the property was described to the defendant as being obtained through the  
13 commission of theft; or

14                  (iv) the stealing of the property did not occur in the State.

15                  (4) Unless the person who criminally possesses stolen property participated  
16 in the stealing, the person who criminally possesses stolen property and a person who has  
17 stolen the property are not accomplices in theft for the purpose of any rule of evidence  
18 requiring corroboration of the testimony of an accomplice.

19                  (d) A person may not obtain control over property knowing that the property was  
20 lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature  
21 or amount of the property, if the person:

22                   (1) knows or learns the identity of the owner or knows, is aware of, or learns  
23 of a reasonable method of identifying the owner;

24                   (2) fails to take reasonable measures to restore the property to the owner;  
25 and

26                   (3) intends to deprive the owner permanently of the use or benefit of the  
27 property when the person obtains the property or at a later time.

28                  (e) A person may not obtain the services of another that are available only for  
29 compensation:

30                   (1) by deception; or

31                   (2) with knowledge that the services are provided without the consent of the  
32 person providing them.

1           (f)    Under this section, an offender's intention or knowledge that a promise would  
2 not be performed may not be established by or inferred solely from the fact that the promise  
3 was not performed.

4           (g)    (1)   A person convicted of theft of property or services with a value of:

5                   (i)    at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is  
6 guilty of a felony and:

7                           1.   is subject to imprisonment not exceeding ~~[10]~~ **5** years or a  
8 fine not exceeding \$10,000 or both; and

9                           2.   shall restore the property taken to the owner or pay the  
10 owner the value of the property or services;

11                   (ii)   at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a  
12 felony and:

13                           1.   is subject to imprisonment not exceeding ~~[15]~~ **10** years or a  
14 fine not exceeding \$15,000 or both; and

15                           2.   shall restore the property taken to the owner or pay the  
16 owner the value of the property or services; or

17                   (iii)   \$100,000 or more is guilty of a felony and:

18                           1.   is subject to imprisonment not exceeding ~~[25]~~ **20** years or a  
19 fine not exceeding \$25,000 or both; and

20                           2.   shall restore the property taken to the owner or pay the  
21 owner the value of the property or services.

22           (2)    Except as provided in ~~[paragraphs (3) and (4)]~~ **PARAGRAPH (3)** of this  
23 subsection, a person convicted of theft of property or services with a value of **AT LEAST \$100**  
24 **BUT** less than ~~[\$1,000]~~ **\$1,500**, is guilty of a misdemeanor and:

25                   (i)    is subject to ~~[imprisonment not exceeding 18 months or a fine not~~  
26 exceeding \$500 or both]:

27                           1.   **FOR A FIRST CONVICTION, IMPRISONMENT NOT**  
28 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

29                           2.   **FOR A SECOND OR SUBSEQUENT CONVICTION,**  
30 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH;**  
31 and

1                   (ii) shall restore the property taken to the owner or pay the owner the  
2 value of the property or services.

3                   (3) A person convicted of theft of property or services with a value of less  
4 than \$100 is guilty of a misdemeanor and:

5                   (i) is subject to imprisonment not exceeding 90 days or a fine not  
6 exceeding \$500 or both; and

7                   (ii) shall restore the property taken to the owner or pay the owner the  
8 value of the property or services.

9                   (4) Subject to paragraph (5) of this subsection, a person who has [two]  
10 FOUR or more prior convictions under this subtitle and who is convicted of theft of property  
11 or services with a value of less than [\$1,000] \$1,500 under paragraph (2) of this subsection  
12 is guilty of a misdemeanor and:

13                   (i) is subject to imprisonment not exceeding 5 years or a fine not  
14 exceeding \$5,000 or both; and

15                   (ii) shall restore the property taken to the owner or pay the owner the  
16 value of the property or services.

17                   (5) The court may not impose the penalties under paragraph (4) of this  
18 subsection unless the State's Attorney serves notice on the defendant or the defendant's  
19 counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before  
20 trial that:

21                   (i) the State will seek the penalties under paragraph (4) of this  
22 subsection; and

23                   (ii) lists the alleged prior convictions.

24 7-108.

25                   (a) An indictment, information, warrant, or other charging document for theft  
26 under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient  
27 if it substantially states:

28                   “(name of defendant) on (date) in (county) stole (property or services stolen) of (name  
29 of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at least  
30 \$10,000] \$1,500, AT LEAST \$1,500 BUT LESS THAN \$25,000, AT LEAST \$25,000 but less  
31 than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article,  
32 against the peace, government, and dignity of the State.”.

1 (b) An indictment, information, warrant, or other charging document for theft  
 2 under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it  
 3 substantially states:

4 “(name of defendant) on (date) in (county) knowingly and willfully took a motor  
 5 vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name  
 6 of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government,  
 7 and dignity of the State.”.

8 (c) In a case in the circuit court in which the general form of indictment or  
 9 information is used to charge a defendant with a crime under this part, the defendant, on  
 10 timely demand, is entitled to a bill of particulars.

11 (d) Unless specifically charged by the State, theft of property or services with a  
 12 value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be considered  
 13 a lesser included crime of any other crime.

14 8-106.

15 (a) (1) A person who obtains property or services with a value of at least  
 16 [\$1,000] **\$1,500** but less than [\$10,000] **\$25,000** by issuing or passing a check in violation  
 17 of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment  
 18 not exceeding [10] **5** years or a fine not exceeding \$10,000 or both.

19 (2) A person who obtains property or services with a value of at least  
 20 [\$10,000] **\$25,000** but less than \$100,000 by issuing or passing a check in violation of §  
 21 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not  
 22 exceeding [15] **10** years or a fine not exceeding \$15,000 or both.

23 (3) A person who obtains property or services with a value of \$100,000 or  
 24 more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony  
 25 and on conviction is subject to imprisonment not exceeding [25] **20** years or a fine not  
 26 exceeding \$25,000 or both.

27 (b) A person who obtains property or services by issuing or passing more than one  
 28 check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject  
 29 to imprisonment not exceeding [10] **5** years or a fine not exceeding \$10,000 or both if:

30 (1) each check that is issued is for [less than \$1,000] **AT LEAST \$1,500 BUT**  
 31 **LESS THAN \$25,000** and is issued to the same person within a 30-day period; and

32 (2) the cumulative value of the property or services is [\$1,000 or more] **AT**  
 33 **LEAST \$1,500 BUT LESS THAN \$25,000.**

34 (c) Except as provided in subsections (b) and (d) of this section, a person who  
 35 obtains property or services with a value of **AT LEAST \$100 BUT** less than [\$1,000] **\$1,500**



1 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a  
2 misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1  
3 YEAR or a fine not exceeding \$500 or both.

4 (d) (1) A person who obtains property or services with a value of less than \$100  
5 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a  
6 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine  
7 not exceeding \$500 or both.

8 (2) It is not a defense to the crime of obtaining property or services with a  
9 value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle  
10 that the value of the property or services at issue is \$100 or more.

11 8-206.

12 (a) A person may not for the purpose of obtaining money, goods, services, or  
13 anything of value, and with the intent to defraud another, use:

14 (1) a credit card obtained or retained in violation of § 8-204 or § 8-205 of  
15 this subtitle; or

16 (2) a credit card that the person knows is counterfeit.

17 (b) A person may not, with the intent to defraud another, obtain money, goods,  
18 services, or anything of value by representing:

19 (1) without the consent of the cardholder, that the person is the holder of a  
20 specified credit card; or

21 (2) that the person is the holder of a credit card when the credit card had  
22 not been issued.

23 (c) (1) (i) If the value of all money, goods, services, and other things of value  
24 obtained in violation of this section is at least [ \$1,000 ] \$1,500 but less than [ \$10,000 ]  
25 \$25,000, a person who violates this section is guilty of a felony and on conviction is subject  
26 to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

27 (ii) If the value of all money, goods, services, and other things of value  
28 obtained in violation of this section is at least [ \$10,000 ] \$25,000 but less than \$100,000, a  
29 person who violates this section is guilty of a felony and on conviction is subject to  
30 imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

31 (iii) If the value of all money, goods, services, and other things of value  
32 obtained in violation of this section is \$100,000 or more, a person who violates this section  
33 is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years  
34 or a fine not exceeding \$25,000 or both.

1           (2) Except as provided in paragraph (3) of this subsection, if the value of all  
2 money, goods, services, and other things of value obtained in violation of this section is AT  
3 LEAST \$100 BUT less than ~~[\$1,000]~~ \$1,500, a person who violates this section is guilty of  
4 a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18 months]~~ 1  
5 YEAR or a fine not exceeding \$500 or both.

6           (3) If the value of all money, goods, services, and other things of value  
7 obtained in violation of this section ~~[does not exceed]~~ IS LESS THAN \$100, a person who  
8 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
9 not exceeding 90 days or a fine not exceeding \$500 or both.

10 8-207.

11           (a) If a person is authorized by an issuer to furnish money, goods, services, or  
12 anything of value on presentation of a credit card by the cardholder, the person or an agent  
13 or employee of the person may not, with the intent to defraud the issuer or cardholder:

14           (1) furnish money, goods, services, or anything of value on presentation of:

15           (i) a credit card obtained or retained in violation of § 8-204 or §  
16 8-205 of this subtitle; or

17           (ii) a credit card that the person knows is counterfeit; or

18           (2) fail to furnish money, goods, services, or anything of value that the  
19 person represents in writing to the issuer that the person has furnished.

20           (b) (1) (i) If the value of all money, goods, services, and other things of value  
21 furnished or not furnished in violation of this section is at least ~~[\$1,000]~~ \$1,500 but less  
22 than ~~[\$10,000]~~ \$25,000, a person who violates this section is guilty of a felony and on  
23 conviction is subject to imprisonment not exceeding ~~[10]~~ 5 years or a fine not exceeding  
24 \$10,000 or both.

25           (ii) If the value of all money, goods, services, and other things of value  
26 furnished or not furnished in violation of this section is at least ~~[\$10,000]~~ \$25,000 but less  
27 than \$100,000, a person who violates this section is guilty of a felony and on conviction is  
28 subject to imprisonment not exceeding ~~[15]~~ 10 years or a fine not exceeding \$15,000 or both.

29           (iii) If the value of all money, goods, services, and other things of value  
30 furnished or not furnished in violation of this section is \$100,000 or more, a person who  
31 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
32 exceeding ~~[25]~~ 20 years or a fine not exceeding \$25,000 or both.

33           (2) Except as provided in paragraph (3) of this subsection, if the value of all  
34 money, goods, services, and other things of value furnished or not furnished in violation of

1 this section is **AT LEAST \$100 BUT less than [\$1,000] \$1,500**, a person who violates this  
2 section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding  
3 [18 months] **1 YEAR** or a fine not exceeding \$500 or both.

4 (3) If the value of all money, goods, services, and other things of value  
5 furnished or not furnished in violation of this section [does not exceed] **IS LESS THAN \$100**,  
6 a person who violates this section is guilty of a misdemeanor and on conviction is subject to  
7 imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8 8-209.

9 (a) A person may not receive money, goods, services, or anything of value if the  
10 person knows or believes that the money, goods, services, or other thing of value was obtained  
11 in violation of § 8-206 of this subtitle.

12 (b) (1) (i) If the value of all money, goods, services, and other things of value  
13 obtained in violation of this section is at least [\$1,000] **\$1,500** but less than [\$10,000]  
14 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject  
15 to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

16 (ii) If the value of all money, goods, services, and other things of value  
17 obtained in violation of this section is at least [\$10,000] **\$25,000** but less than \$100,000, a  
18 person who violates this section is guilty of a felony and on conviction is subject to  
19 imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

20 (iii) If the value of all money, goods, services, and other things of value  
21 obtained in violation of this section is \$100,000 or more, a person who violates this section  
22 is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years  
23 or a fine not exceeding \$25,000 or both.

24 (2) Except as provided in paragraph (3) of this subsection, if the value of all  
25 money, goods, services, and other things of value obtained in violation of this section is **AT**  
26 **LEAST \$100 BUT less than [\$1,000] \$1,500**, a person who violates this section is guilty of  
27 a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] **1**  
28 **YEAR** or a fine not exceeding \$500 or both.

29 (3) If the value of all money, goods, services, and other things of value  
30 obtained in violation of this section [does not exceed] **IS LESS THAN \$100**, a person who  
31 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
32 not exceeding 90 days or a fine not exceeding \$500 or both.

33 8-301.

34 (a) (1) In this section the following words have the meanings indicated.

1           (2)   “Health care” means care, services, or supplies related to the health of an  
2 individual that includes the following:

3                   (i)   preventative, diagnostic, therapeutic, rehabilitative, maintenance  
4 care, palliative care and counseling, service assessment, or procedure:

5                           1.   with respect to the physical or mental condition or  
6 functional status of an individual; or

7                           2.   that affects the structure or function of the body; and

8                   (ii)   the sale or dispensing of a drug, device, equipment, or other item  
9 in accordance with a prescription.

10           (3)   “Health information” means any information, whether oral or recorded  
11 in any form or medium, that:

12                   (i)   is created or received by:

13                           1.   a health care provider;

14                           2.   a health care carrier;

15                           3.   a public health authority;

16                           4.   an employer;

17                           5.   a life insurer;

18                           6.   a school or university; or

19                           7.   a health care clearinghouse; and

20                   (ii)   relates to the:

21                           1.   past, present, or future physical or mental health or  
22 condition of an individual;

23                           2.   provision of health care to an individual; or

24                           3.   past, present, or future payment for the provision of health  
25 care to an individual.

26           (4)   “Interactive computer service” means an information service, system, or  
27 access software provider that provides or enables computer access by multiple users to a  
28 computer server, including a system that provides access to the Internet and cellular phones.

1           (5)    “Payment device number” has the meaning stated in § 8–213 of this title.

2           (6)    (i)    “Personal identifying information” includes a name, address,  
3 telephone number, driver’s license number, Social Security number, place of employment,  
4 employee identification number, health insurance identification number, medical  
5 identification number, mother’s maiden name, bank or other financial institution account  
6 number, date of birth, personal identification number, unique biometric data, including  
7 fingerprint, voice print, retina or iris image or other unique physical representation, digital  
8 signature, credit card number, or other payment device number.

9                   (ii)   “Personal identifying information” may be derived from any  
10 element in subparagraph (i) of this paragraph, alone or in conjunction with any other  
11 information to identify a specific natural or fictitious individual.

12           (7)    “Re–encoder” means an electronic device that places encoded personal  
13 identifying information or a payment device number from the magnetic strip or stripe of a  
14 credit card onto the magnetic strip or stripe of a different credit card or any electronic  
15 medium that allows such a transaction to occur.

16           (8)    “Skimming device” means a scanner, skimmer, reader, or any other  
17 electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or  
18 permanently, personal identifying information or a payment device number encoded on the  
19 magnetic strip or stripe of a credit card.

20           (b)    A person may not knowingly, willfully, and with fraudulent intent possess,  
21 obtain, or help another to possess or obtain any personal identifying information of an  
22 individual, without the consent of the individual, in order to use, sell, or transfer the  
23 information to get a benefit, credit, good, service, or other thing of value or to access health  
24 information or health care.

25           (b–1) A person may not maliciously use an interactive computer service to disclose or  
26 assist another person to disclose the driver’s license number, bank or other financial  
27 institution account number, credit card number, payment device number, Social Security  
28 number, or employee identification number of an individual, without the consent of the  
29 individual, in order to annoy, threaten, embarrass, or harass the individual.

30           (c)    A person may not knowingly and willfully assume the identity of another,  
31 including a fictitious person:

32                   (1)    to avoid identification, apprehension, or prosecution for a crime; or

33                   (2)    with fraudulent intent to:

34                           (i)    get a benefit, credit, good, service, or other thing of value;

35                           (ii)   access health information or health care; or

1           (iii) avoid the payment of debt or other legal obligation.

2           (d) A person may not knowingly, willfully, and with fraudulent intent to obtain a  
3 benefit, credit, good, service, or other thing of value or to access health information or health  
4 care, use:

5           (1) a re-encoder to place information encoded on the magnetic strip or stripe  
6 of a credit card onto the magnetic strip or stripe of a different credit card or use any other  
7 electronic medium that allows such a transaction to occur without the consent of the  
8 individual authorized to use the credit card from which the personal identifying information  
9 or payment device number is being re-encoded; or

10           (2) a skimming device to access, read, scan, obtain, memorize, or store  
11 personal identifying information or a payment device number on the magnetic strip or stripe  
12 of a credit card without the consent of the individual authorized to use the credit card.

13           (e) A person may not knowingly, willfully, and with fraudulent intent possess,  
14 obtain, or help another possess or obtain a re-encoder device or a skimming device for the  
15 unauthorized use, sale, or transfer of personal identifying information or a payment device  
16 number.

17           (f) A person may not knowingly and willfully claim to represent another person  
18 without the knowledge and consent of that person, with the intent to solicit, request, or take  
19 any other action to otherwise induce another person to provide personal identifying  
20 information or a payment device number.

21           (g) (1) (i) A person who violates this section where the benefit, credit, good,  
22 service, health information or health care, or other thing of value that is the subject of  
23 subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$1,500** but less than  
24 ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not  
25 exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

26                   (ii) A person who violates this section where the benefit, credit, good,  
27 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section  
28 has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and on  
29 conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding  
30 \$15,000 or both.

31                   (iii) A person who violates this section where the benefit, credit, good,  
32 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section  
33 has a value of \$100,000 or more is guilty of a felony and on conviction is subject to  
34 imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

35           (2) A person who violates this section where the benefit, credit, good, service,  
36 health information or health care, or other thing of value that is the subject of subsection (b),  
37 (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500** is

1 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18  
2 months] 1 YEAR or a fine not exceeding \$500 or both.

3 (3) A person who violates this section under circumstances that reasonably  
4 indicate that the person's intent was to manufacture, distribute, or dispense another  
5 individual's personal identifying information without that individual's consent is guilty of  
6 a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine  
7 not exceeding \$25,000 or both.

8 (4) A person who violates subsection (b-1), (c)(1), (e), or (f) of this section is  
9 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18  
10 months] 1 YEAR or a fine not exceeding \$500 or both.

11 (5) When the violation of this section is pursuant to one scheme or  
12 continuing course of conduct, whether from the same or several sources, the conduct may be  
13 considered as one violation and the value of the benefit, credit, good, service, or other thing  
14 of value may be aggregated in determining whether the violation is a felony or misdemeanor.

15 8-516.

16 (a) If a violation of this part results in the death of an individual, a person who  
17 violates a provision of this part is guilty of a felony and on conviction is subject to  
18 imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

19 (b) If a violation of this part results in serious injury to an individual, a person  
20 who violates a provision of this part is guilty of a felony and on conviction is subject to  
21 imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

22 (c) If the value of the money, health care services, or other goods or services  
23 involved is [1,000] \$1,500 or more in the aggregate, a person who violates a provision of  
24 this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5  
25 years or a fine not exceeding \$100,000 or both.

26 (d) A person who violates any other provision of this part is guilty of a  
27 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine  
28 not exceeding \$50,000 or both.

29 (e) (1) In this subsection, "business entity" includes an association, firm,  
30 institution, partnership, and corporation.

31 (2) A business entity that violates a provision of this part is subject to a fine  
32 not exceeding:

33 (i) \$250,000 for each felony; and

34 (ii) \$100,000 for each misdemeanor.

1 8-611.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Counterfeit mark” means:

4 (i) an unauthorized copy of intellectual property; or

5 (ii) intellectual property affixed to goods knowingly sold, offered for  
6 sale, manufactured, or distributed, to identify services offered or rendered, without the  
7 authority of the owner of the intellectual property.

8 (3) “Intellectual property” means a trademark, service mark, trade name,  
9 label, term, device, design, or word adopted or used by a person to identify the goods or  
10 services of the person.

11 (4) “Retail value” means:

12 (i) a trademark counterfeiter’s selling price for the goods or services  
13 that bear or are identified by the counterfeit mark; or

14 (ii) a trademark counterfeiter’s selling price of the finished product,  
15 if the goods that bear a counterfeit mark are components of the finished product.

16 (5) “Trademark counterfeiter” means a person who commits the crime of  
17 trademark counterfeiting prohibited by this section.

18 (b) A person may not willfully manufacture, produce, display, advertise,  
19 distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services  
20 that the person knows are bearing or are identified by a counterfeit mark.

21 (c) If the aggregate retail value of the goods or services is [~~\$1,000~~] **\$1,500** or more,  
22 a person who violates this section is guilty of the felony of trademark counterfeiting and on  
23 conviction:

24 (1) is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not  
25 exceeding \$10,000 or both; and

26 (2) shall transfer all of the goods to the owner of the intellectual property.

27 (d) If the aggregate retail value of the goods or services is less than [~~\$1,000~~]  
28 **\$1,500**, a person who violates this section is guilty of the misdemeanor of trademark  
29 counterfeiting and on conviction:

30 (1) is subject to[



1                   (i) for a first violation,] imprisonment not exceeding [18 months] 1  
2 YEAR or a fine not exceeding \$1,000 or both]; or

3                   (ii) for each subsequent violation, imprisonment not exceeding 18  
4 months or a fine not exceeding \$5,000 or both]; and

5                   (2) shall transfer all of the goods to the owner of the intellectual property.

6                   (e) An action or prosecution for trademark counterfeiting in which the aggregate  
7 retail value of the goods or services is less than [ \$1,000 ] \$1,500 shall be commenced within  
8 2 years after the commission of the crime.

9                   (f) Any goods bearing a counterfeit mark are subject to seizure by a law  
10 enforcement officer to preserve the goods for transfer to the owner of the intellectual property  
11 either:

12                   (1) under an agreement with the person alleged to have committed the  
13 crime; or

14                   (2) after a conviction under this section.

15                   (g) State or federal registration of intellectual property is prima facie evidence that  
16 the intellectual property is a trademark or trade name.

17 8-801.

18                   (a) (1) In this section the following words have the meanings indicated.

19                   (2) “Deception” has the meaning stated in § 7-101 of this article.

20                   (3) “Deprive” has the meaning stated in § 7-101 of this article.

21                   (4) “Obtain” has the meaning stated in § 7-101 of this article.

22                   (5) “Property” has the meaning stated in § 7-101 of this article.

23                   (6) (i) “Undue influence” means domination and influence amounting to  
24 force and coercion exercised by another person to such an extent that a vulnerable adult or  
25 an individual at least 68 years old was prevented from exercising free judgment and choice.

26                   (ii) “Undue influence” does not include the normal influence that one  
27 member of a family has over another member of the family.

28                   (7) “Value” has the meaning stated in § 7-103 of this article.

1           (8)    “Vulnerable adult” has the meaning stated in § 3-604 of this article.

2           (b)   (1)   A person may not knowingly and willfully obtain by deception,  
3 intimidation, or undue influence the property of an individual that the person knows or  
4 reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of  
5 the vulnerable adult’s property.

6           (2)   A person may not knowingly and willfully obtain by deception,  
7 intimidation, or undue influence the property of an individual that the person knows or  
8 reasonably should know is at least 68 years old, with intent to deprive the individual of the  
9 individual’s property.

10          (c)   (1)   (i)   A person convicted of a violation of this section when the value of  
11 the property is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony  
12 and:

13                           1.   is subject to imprisonment not exceeding ~~[10]~~ **5** years or a  
14 fine not exceeding \$10,000 or both; and

15                           2.   shall restore the property taken or its value to the owner,  
16 or, if the owner is deceased, restore the property or its value to the owner’s estate.

17                           (ii)   A person convicted of a violation of this section when the value of  
18 the property is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

19                           1.   is subject to imprisonment not exceeding ~~[15]~~ **10** years or a  
20 fine not exceeding \$15,000 or both; and

21                           2.   shall restore the property taken or its value to the owner,  
22 or, if the owner is deceased, restore the property or its value to the owner’s estate.

23                           (iii)   A person convicted of a violation of this section when the value of  
24 the property is \$100,000 or more is guilty of a felony and:

25                           1.   is subject to imprisonment not exceeding ~~[25]~~ **20** years or a  
26 fine not exceeding \$25,000 or both; and

27                           2.   shall restore the property taken or its value to the owner,  
28 or, if the owner is deceased, restore the property or its value to the owner’s estate.

29           (2)   A person convicted of a violation of this section when the value of the  
30 property is less than ~~[\$1,000]~~ **\$1,500** is guilty of a misdemeanor and:

31                           (i)   is subject to imprisonment not exceeding ~~[18 months]~~ **1 YEAR** or  
32 a fine not exceeding \$500 or both; and

1 (ii) shall restore the property taken or its value to the owner, or, if the  
 2 owner is deceased, restore the property or its value to the owner's estate.

3 9-801.

4 (a) In this subtitle the following words have the meanings indicated.

5 (b) "Coerce" means to compel or attempt to compel another by threat of harm or  
 6 other adverse consequences.

7 (c) "Criminal gang" means a group or association of three or more persons whose  
 8 members:

9 (1) individually or collectively engage in a pattern of criminal gang activity;

10 (2) have as one of their primary objectives or activities the commission of  
 11 one or more underlying crimes, including acts by juveniles that would be underlying crimes  
 12 if committed by adults; and

13 (3) have in common an overt or covert organizational or command  
 14 structure.

15 (D) "ENTERPRISE" INCLUDES:

16 (1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION,  
 17 BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR

18 (2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT  
 19 A LEGAL ENTITY.

20 [(d)] (E) "Pattern of criminal gang activity" means the commission of, attempted  
 21 commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts  
 22 by a juvenile that would be an underlying crime if committed by an adult, provided the  
 23 crimes or acts were not part of the same incident.

24 [(e)] (F) "Solicit" has the meaning stated in § 11-301 of this article.

25 [(f)] (G) "Underlying crime" means:

26 (1) a crime of violence as defined under § 14-101 of this article;

27 (2) a violation of § 3-203 (second degree assault), § 4-203 (wearing,  
 28 carrying, or transporting a handgun), § 9-302 (inducing false testimony or avoidance of  
 29 subpoena), § 9-303 (retaliation for testimony), § 9-305 (intimidating or corrupting juror), §  
 30 11-303 (human trafficking), § 11-304 (receiving earnings of prostitute), or § 11-306(a)(2),  
 31 (3), or (4) (house of prostitution) of this article;

1           (3) a felony violation of § 3-701 (extortion), § 4-503 (manufacture or  
 2 possession of destructive device), § 5-602 (distribution of CDS), § 5-603 (manufacturing  
 3 CDS or equipment), § 5-604(B) (CREATING OR POSSESSING A COUNTERFEIT  
 4 SUBSTANCE), § 5-606 (FALSE PRESCRIPTION), § 6-103 (second degree arson), § 6-202  
 5 (first degree burglary), § 6-203 (second degree burglary), § 6-204 (third degree burglary), §  
 6 7-104 (theft), or § 7-105 (unauthorized use of a motor vehicle) of this article; or

7           (4) a felony violation of § 5-133 of the Public Safety Article.

8 9-802.

9           (a) A person may not threaten an individual, or a friend or family member of an  
 10 individual, with physical violence with the intent to coerce, induce, or solicit the individual  
 11 to participate in or prevent the individual from leaving a criminal gang.

12           (b) A person who violates this section is guilty of a misdemeanor and on conviction  
 13 is subject to imprisonment not exceeding 2 years or a fine not exceeding [\$1,000] \$10,000  
 14 or both.

15 9-803.

16           (a) A person may not threaten an individual, or a friend or family member of an  
 17 individual, with or use physical violence to coerce, induce, or solicit the individual to  
 18 participate in or prevent the individual from leaving a criminal gang:

19           (1) in a school vehicle, as defined under § 11-154 of the Transportation  
 20 Article; or

21           (2) in, on, or within 1,000 feet of real property owned by or leased to an  
 22 elementary school, secondary school, or county board of education and used for elementary  
 23 or secondary education.

24           (b) Subsection (a) of this section applies whether or not:

25           (1) school was in session at the time of the crime; or

26           (2) the real property was being used for purposes other than school purposes  
 27 at the time of the crime.

28           (c) A person who violates this section is guilty of a misdemeanor and on conviction  
 29 is subject to imprisonment not exceeding 4 years or a fine not exceeding [\$4,000] \$20,000  
 30 or both.

31           (d) Notwithstanding any other law, a conviction under this section may not merge  
 32 with a conviction under § 9-802 of this subtitle.

1 9-804.

2 (a) A person may not:

3 (1) participate in a criminal gang knowing that the members of the gang  
4 engage in a pattern of criminal gang activity; and

5 (2) knowingly and willfully direct or participate in an underlying crime, or  
6 act by a juvenile that would be an underlying crime if committed by an adult, committed for  
7 the benefit of, at the direction of, or in association with a criminal gang.

8 (B) A CRIMINAL GANG OR AN INDIVIDUAL BELONGING TO A CRIMINAL GANG  
9 MAY NOT:

10 (1) RECEIVE PROCEEDS KNOWN TO HAVE BEEN DERIVED DIRECTLY OR  
11 INDIRECTLY FROM AN UNDERLYING CRIME; AND

12 (2) USE OR INVEST, DIRECTLY OR INDIRECTLY, AN AGGREGATE OF  
13 \$10,000 OR MORE OF THE PROCEEDS FROM AN UNDERLYING CRIME IN:

14 (I) THE ACQUISITION OF A TITLE TO, RIGHT TO, INTEREST IN,  
15 OR EQUITY IN REAL PROPERTY; OR

16 (II) THE ESTABLISHMENT OR OPERATION OF ANY ENTERPRISE.

17 (C) A CRIMINAL GANG MAY NOT ACQUIRE OR MAINTAIN, DIRECTLY OR  
18 INDIRECTLY, ANY INTEREST IN OR CONTROL OF ANY ENTERPRISE OR REAL  
19 PROPERTY THROUGH AN UNDERLYING CRIME.

20 (D) A PERSON MAY NOT CONSPIRE TO VIOLATE SUBSECTION (A), (B), OR (C)  
21 OF THIS SECTION.

22 ~~[(b)]~~ (E) A person may not violate subsection (a) of this section that results in the  
23 death of a victim.

24 ~~[(c)]~~ (F) (1) (i) Except as provided in subparagraph (ii) of this paragraph,  
25 a person who violates this section is guilty of a felony and on conviction is subject to  
26 imprisonment not exceeding [10] 15 years or a fine not exceeding [\$100,000] \$1,000,000 or  
27 both.

28 (ii) A person who violates subsection ~~[(b)]~~ (E) of this section is guilty  
29 of a felony and on conviction is subject to imprisonment not exceeding [20] 25 years or a fine  
30 not exceeding [\$100,000] \$5,000,000 or both.

1           (2) (i) A sentence imposed under paragraph (1)(i) of this subsection for  
 2 a first offense may be separate from and consecutive to or concurrent with a sentence for any  
 3 crime based on the act establishing a violation of this section.

4           (ii) A sentence imposed under paragraph (1)(i) of this subsection for  
 5 a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from  
 6 and consecutive to a sentence for any crime based on the act establishing a violation of this  
 7 section.

8           (iii) A consecutive sentence for a second or subsequent offense shall not  
 9 be mandatory unless the State notifies the person in writing of the State's intention to  
 10 proceed against the person as a second or subsequent offender at least 30 days before trial.

11           **(3) IN ADDITION TO THE OTHER PENALTIES PROVIDED IN THIS**  
 12 **SUBSECTION, ON CONVICTION THE COURT MAY:**

13           **(I) ORDER A PERSON OR CRIMINAL GANG TO BE DIVESTED OF**  
 14 **ANY INTEREST IN AN ENTERPRISE OR REAL PROPERTY;**

15           **(II) ORDER THE DISSOLUTION OR REORGANIZATION OF AN**  
 16 **ENTERPRISE; AND**

17           **(III) ORDER THE SUSPENSION OR REVOCATION OF ANY LICENSE,**  
 18 **PERMIT, OR PRIOR APPROVAL GRANTED TO THE ENTERPRISE OR PERSON BY A UNIT**  
 19 **OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.**

20           **(G) (1) THIS SUBSECTION APPLIES TO A VIOLATION OF § 5-602, § 5-603,**  
 21 **§ 5-604(B), § 5-606, § 5-612, § 5-613, § 5-614, OR § 5-617 OF THIS ARTICLE.**

22           **(2) ASSETS DIVESTED UNDER THIS SECTION AND DERIVED FROM THE**  
 23 **COMMISSION OF, ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR**  
 24 **SOLICITATION OF A CRIME DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,**  
 25 **EITHER IN WHOLE OR IN PART, SHALL BE DEPOSITED IN THE ADDICTION**  
 26 **TREATMENT DIVESTITURE FUND ESTABLISHED UNDER § 8-6D-01 OF THE HEALTH**  
 27 **- GENERAL ARTICLE.**

28           **[(d)] (H) A person may be charged with a violation of this section only by**  
 29 **indictment, criminal information, or petition alleging a delinquent act.**

30           **[(e)] (I) (1) The Attorney General, at the request of the GOVERNOR OR THE**  
 31 **State's Attorney for a county in which a violation or an act establishing a violation of this**  
 32 **section occurs, may:**

33           **(i) aid in the investigation of the violation or act; and**

1           (ii) prosecute the violation or act.

2           (2) In exercising authority under paragraph (1) of this subsection, the  
3 Attorney General has all the powers and duties of a State's Attorney, including the use of the  
4 grand jury in the county, to prosecute the violation.

5           (3) Notwithstanding any other provision of law, in circumstances in which  
6 violations of this section are alleged to have been committed in more than one county, the  
7 respective State's Attorney of each county, or the Attorney General, may join the causes of  
8 action in a single complaint with the consent of each State's Attorney having jurisdiction  
9 over an offense sought to be joined.

10          ~~[(f)]~~ (J) Notwithstanding any other provision of law and provided at least one  
11 criminal gang activity of a criminal gang allegedly occurred in the county in which a grand  
12 jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise  
13 conduct an investigation of the alleged criminal gang's activities and offenses in other  
14 counties.

15 9-805.

16          (a) A person may not organize, supervise, **PROMOTE, SPONSOR,** finance, or  
17 manage a criminal gang.

18          (b) A person who violates this section is guilty of a felony and on conviction is  
19 subject to imprisonment not exceeding 20 years or a fine not exceeding **[\$100,000]**  
20 **\$1,000,000** or both.

21          (c) A sentence imposed under this section shall be separate from and consecutive  
22 to a sentence for any crime based on the act establishing a violation of this section.

23 **9-807.**

24          **FOR PURPOSES OF VENUE, ANY VIOLATION OF THIS SUBTITLE IS CONSIDERED**  
25 **TO HAVE BEEN COMMITTED IN ANY COUNTY:**

26                 **(1) IN WHICH ANY ACT WAS PERFORMED IN FURTHERANCE OF A**  
27 **VIOLATION OF THIS SUBTITLE;**

28                 **(2) THAT IS THE PRINCIPAL PLACE OF THE OPERATIONS OF THE**  
29 **CRIMINAL GANG IN THE STATE;**

30                 **(3) IN WHICH A DEFENDANT HAD CONTROL OR POSSESSION OF**  
31 **PROCEEDS OF A VIOLATION OF THIS SUBTITLE OR OF RECORDS OR OTHER MATERIAL**  
32 **OR OBJECTS THAT WERE USED IN FURTHERANCE OF A VIOLATION; OR**

1           **(4) IN WHICH A DEFENDANT RESIDES.**

2    14-101.

3           (a) In this section, "crime of violence" means:

4           (1) abduction;

5           (2) arson in the first degree;

6           (3) kidnapping;

7           (4) manslaughter, except involuntary manslaughter;

8           (5) mayhem;

9           (6) maiming, as previously proscribed under former Article 27, §§ 385 and  
10 386 of the Code;

11          (7) murder;

12          (8) rape;

13          (9) robbery under § 3-402 or § 3-403 of this article;

14          (10) carjacking;

15          (11) armed carjacking;

16          (12) sexual offense in the first degree;

17          (13) sexual offense in the second degree;

18          (14) use of a handgun in the commission of a felony or other crime of violence;

19          (15) child abuse in the first degree under § 3-601 of this article;

20          (16) sexual abuse of a minor under § 3-602 of this article if:

21                  (i) the victim is under the age of 13 years and the offender is an adult  
22 at the time of the offense; and

23                  (ii) the offense involved:

24                          1. vaginal intercourse, as defined in § 3-301 of this article;

25                          2. a sexual act, as defined in § 3-301 of this article;



1                                   3. an act in which a part of the offender's body penetrates,  
2 however slightly, into the victim's genital opening or anus; or

3                                   4. the intentional touching, not through the clothing, of the  
4 victim's or the offender's genital, anal, or other intimate area for sexual arousal,  
5 gratification, or abuse;

6                                   (17) an attempt to commit any of the crimes described in items (1) through  
7 (16) of this subsection;

8                                   (18) continuing course of conduct with a child under § 3-315 of this article;

9                                   (19) assault in the first degree;

10                                  (20) assault with intent to murder;

11                                  (21) assault with intent to rape;

12                                  (22) assault with intent to rob;

13                                  (23) assault with intent to commit a sexual offense in the first degree; and

14                                  (24) assault with intent to commit a sexual offense in the second degree.

15                   **(b)** (1) Except as provided in subsection (f) of this section, on conviction for a  
16 fourth time of a crime of violence, a person who has served three separate terms of  
17 confinement in a correctional facility as a result of three separate convictions of any crime of  
18 violence shall be sentenced to life imprisonment without the possibility of parole.

19                                  (2) Notwithstanding any other law, the provisions of this subsection are  
20 mandatory.

21                   **(c)** (1) Except as provided in subsection (f) of this section, on conviction for a  
22 third time of a crime of violence, a person shall be sentenced to imprisonment for the term  
23 allowed by law but not less than 25 years, if the person:

24                                   (i) has been convicted of a crime of violence on two prior separate  
25 occasions:

26                                   1. in which the second or succeeding crime is committed after  
27 there has been a charging document filed for the preceding occasion; and

28                                   2. for which the convictions do not arise from a single  
29 incident; and

1 (ii) has served at least one term of confinement in a correctional  
 2 facility as a result of a conviction of a crime of violence.

3 (2) The court may not suspend all or part of the mandatory 25-year sentence  
 4 required under this subsection.

5 (3) A person sentenced under this subsection is not eligible for parole except  
 6 in accordance with the provisions of § 4-305 of the Correctional Services Article.

7 (d) (1) On conviction for a second time of a crime of violence committed on or  
 8 after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by  
 9 law, but not less than 10 years, if the person:

10 (i) has been convicted on a prior occasion of a crime of violence,  
 11 including a conviction for a crime committed before October 1, 1994; and

12 (ii) served a term of confinement in a correctional facility for that  
 13 conviction.

14 (2) The court may not suspend all or part of the mandatory 10-year sentence  
 15 required under this subsection.

16 (e) If the State intends to proceed against a person as a subsequent offender under  
 17 this section, it shall comply with the procedures set forth in the Maryland Rules for the  
 18 indictment and trial of a subsequent offender.

19 (f) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR  
 20 ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL  
 21 PROCEDURE ARTICLE.

22 (2) A person sentenced under this section may petition for and be granted  
 23 parole if the person:

24 (i) is at least [65] 60 years old; and

25 (ii) has served at least 15 years of the sentence imposed under this  
 26 section.

27 [(2)] (3) The Maryland Parole Commission shall adopt regulations to  
 28 implement this subsection.

### Article – Criminal Procedure

30 1-101.

31 (a) In this article the following words have the meanings indicated.

1       **(b) “ABSCONDING” HAS THE MEANING STATED IN § 6-101 OF THE**  
2 **CORRECTIONAL SERVICES ARTICLE.**

3       **(C) (1) “Charging document” means a written accusation alleging that a**  
4 **defendant has committed a crime.**

5       **(2) “Charging document” includes a citation, an indictment, an**  
6 **information, a statement of charges, and a warrant.**

7       **[(c)] (D) “Correctional facility” has the meaning stated in § 1-101 of the**  
8 **Correctional Services Article.**

9       **[(d)] (E) “County” means a county of the State or Baltimore City.**

10       **[(e)] (F) “Crime of violence” has the meaning stated in § 14-101 of the Criminal**  
11 **Law Article.**

12       **[(f)] (G) “Department” means the Department of Public Safety and Correctional**  
13 **Services.**

14       **[(g)] (H) “Inmate” has the meaning stated in § 1-101 of the Correctional Services**  
15 **Article.**

16       **[(h)] (I) “Local correctional facility” has the meaning stated in § 1-101 of the**  
17 **Correctional Services Article.**

18       **[(i)] (J) “Managing official” has the meaning stated in § 1-101 of the**  
19 **Correctional Services Article.**

20       **[(j)] (K) “Nolle prosequi” means a formal entry on the record by the State that**  
21 **declares the State’s intention not to prosecute a charge.**

22       **[(k)] (L) “Nolo contendere” means a plea stating that the defendant will not**  
23 **contest the charge but does not admit guilt or claim innocence.**

24       **[(l)] (M) “Person” means an individual, receiver, trustee, guardian, personal**  
25 **representative, fiduciary, representative of any kind, partnership, firm, association,**  
26 **corporation, or other entity.**

27       **[(m)] (N) “Secretary” means the Secretary of the Department of Public Safety and**  
28 **Correctional Services.**

29       **[(n)] (O) “State” means:**

1 (1) a state, possession, territory, or commonwealth of the United States; or

2 (2) the District of Columbia.

3 [(o)] (P) "State correctional facility" has the meaning stated in § 1-101 of the  
4 Correctional Services Article.

5 (Q) "TECHNICAL VIOLATION" HAS THE MEANING STATED IN § 6-101 OF THE  
6 CORRECTIONAL SERVICES ARTICLE.

7 6-223.

8 (a) A circuit court or the District Court may end the period of probation at any  
9 time.

10 (b) On receipt of written charges, filed under oath, that a probationer or defendant  
11 violated a condition of probation during the period of probation, the District Court may,  
12 during the period of probation or within 30 days after the violation, whichever is later, issue  
13 a warrant or notice requiring the probationer or defendant to be brought or appear before  
14 the judge issuing the warrant or notice:

15 (1) to answer the charge of violation of a condition of probation or of  
16 suspension of sentence; and

17 (2) to be present for the setting of a timely hearing date for that charge.

18 (c) Pending the hearing or determination of the charge, a circuit court or the  
19 District Court may remand the probationer or defendant to a correctional facility or release  
20 the probationer or defendant with or without bail.

21 (d) If, at the hearing, a circuit court or the District Court finds that the probationer  
22 or defendant has violated a condition of probation, the court may:

23 (1) revoke the probation granted or the suspension of sentence; and

24 (2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A  
25 TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:

26 1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL  
27 VIOLATION;

28 2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL  
29 VIOLATION; AND

30 3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL  
31 VIOLATION; AND

1           **(II) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR**  
2 **A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might**  
3 **have originally been imposed for the crime of which the probationer or defendant was**  
4 **convicted or pleaded nolo contendere.**

5           **(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS**  
6 **ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL**  
7 **VIOLATION ESTABLISHED IN PARAGRAPH (2) OF THIS SUBSECTION ARE APPLICABLE.**

8           **(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS**  
9 **AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS,**  
10 **THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED**  
11 **UNDER PARAGRAPH (2) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC**  
12 **SAFETY, A VICTIM, OR A WITNESS:**

13                   **1. THE NATURE OF THE PROBATION VIOLATION;**

14                   **2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR**  
15 **WHICH THE PROBATIONER OR DEFENDANT WAS CONVICTED; AND**

16                   **3. THE PROBATIONER'S OR DEFENDANT'S HISTORY.**

17           **(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD**  
18 **CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH**  
19 **(II) OF THIS PARAGRAPH, THE COURT MAY:**

20                   **1. DIRECT IMPOSITION OF A LONGER PERIOD OF**  
21 **INCARCERATION THAN PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BUT NO**  
22 **MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR**

23                   **2. COMMIT THE PROBATIONER OR DEFENDANT TO THE**  
24 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507**  
25 **OF THE HEALTH - GENERAL ARTICLE.**

26           **(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
27 **OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO**  
28 **APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS**  
29 **ARTICLE.**

30 6-224.

31           **(a) This section applies to a defendant who is convicted of a crime for which the**  
32 **court:**

1           (1) does not impose a sentence;

2           (2) suspends the sentence generally;

3           (3) places the defendant on probation for a definite time; or

4           (4) passes another order and imposes other conditions of probation.

5           (b) If a defendant is brought before a circuit court to be sentenced on the original  
6 charge or for violating a condition of probation, and the judge then presiding finds that the  
7 defendant violated a condition of probation, the judge:

8           (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, may sentence the  
9 defendant to:

10           (i) all or any part of the period of imprisonment imposed in the  
11 original sentence; or

12           (ii) any sentence allowed by law, if a sentence was not imposed before;  
13 and

14           (2) may suspend all or part of a sentence and place the defendant on further  
15 probation on any conditions that the judge considers proper, and that do not exceed the  
16 maximum set under § 6-222 of this subtitle.

17           (c) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT**  
18 **FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT IS A**  
19 **TECHNICAL VIOLATION, THE COURT MAY IMPOSE A PERIOD OF INCARCERATION OF:**

20           **(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL**  
21 **VIOLATION;**

22           **(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL**  
23 **VIOLATION;**

24           **(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL**  
25 **VIOLATION; AND**

26           **(IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT**  
27 **IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL**  
28 **VIOLATION.**

1           **(2) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS**  
2 **ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL**  
3 **VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.**

4           **(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS**  
5 **AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS,**  
6 **THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED**  
7 **UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC**  
8 **SAFETY, A VICTIM, OR A WITNESS:**

9                   **1. THE NATURE OF THE PROBATION VIOLATION;**

10                   **2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR**  
11 **WHICH THE DEFENDANT WAS CONVICTED; AND**

12                   **3. THE DEFENDANT'S HISTORY.**

13           **(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD**  
14 **CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH**  
15 **(II) OF THIS PARAGRAPH, THE COURT MAY:**

16                   **1. DIRECT IMPOSITION OF A LONGER PERIOD OF**  
17 **INCARCERATION THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO**  
18 **MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR**

19                   **2. COMMIT THE DEFENDANT TO THE DEPARTMENT OF**  
20 **HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH-**  
21 **GENERAL ARTICLE.**

22           **(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
23 **OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO**  
24 **APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS**  
25 **ARTICLE.**

26           **(D) (1) The District Court judge who originally imposed conditions of probation**  
27 **or suspension of sentence shall hear any charge of violation of the conditions of probation or**  
28 **suspension of sentence.**

29                   **(2) Except as provided in paragraph (3) of this subsection, the judge shall**  
30 **sentence the defendant if probation is revoked or suspension stricken.**

31                   **(3) If the judge has been removed from office, has died or resigned, or is**  
32 **otherwise incapacitated, any other judge of the District Court may act in the matter.**

1 10-110.

2 (A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR  
3 EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD  
4 MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE  
5 PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:

6 (1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;

7 (2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS  
8 OCCUPATIONS AND PROFESSIONS ARTICLE;

9 (3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR  
10 SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;

11 (4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;

12 (5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW  
13 ARTICLE;

14 (6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;

15 (7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;

16 (8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902  
17 OF THE CRIMINAL LAW ARTICLE;

18 (9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR §  
19 6-503 OF THE CRIMINAL LAW ARTICLE;

20 (10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE  
21 CRIMINAL LAW ARTICLE;

22 (11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §  
23 8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;

24 (12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW  
25 ARTICLE;

26 (13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE  
27 CRIMINAL LAW ARTICLE;

28 (14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;



1           (15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §  
2 12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;

3           (16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;

4           (17) § 4-509 OF THE FAMILY LAW ARTICLE;

5           (18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;

6           (19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;

7           (20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §  
8 27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;

9           (21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC  
10 SAFETY ARTICLE;

11           (22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY  
12 ARTICLE;

13           (23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;

14           (24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX –  
15 GENERAL ARTICLE;

16           (25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL  
17 CONTEMPT, OR HINDERING; OR

18           (26) AN ATTEMPT, A CONSPIRACY, OR A SOLICITATION OF ANY OFFENSE  
19 LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.

20           (B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
21 SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT  
22 IN WHICH THE PROCEEDING BEGAN.

23           (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
24 PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO  
25 ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH  
26 THE PROCEEDING WAS TRANSFERRED.

27           (II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS  
28 TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS  
29 ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL  
30 JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

1           **(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL**  
2 **JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION,**  
3 **THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.**

4           **(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE**  
5 **COURT OF ORIGINAL JURISDICTION.**

6           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
7 **PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE FILED EARLIER**  
8 **THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES**  
9 **IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED,**  
10 **INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.**

11           **(2) A PETITION FOR EXPUNGEMENT FOR A VIOLATION OF § 3-203 OF**  
12 **THE CRIMINAL LAW ARTICLE OR FOR AN OFFENSE CLASSIFIED AS A DOMESTICALLY**  
13 **RELATED CRIME UNDER § 6-233 OF THE CRIMINAL PROCEDURE ARTICLE MAY NOT**  
14 **BE FILED EARLIER THAN 15 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR**  
15 **SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS**  
16 **REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.**

17           **(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE**  
18 **APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE**  
19 **ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT**  
20 **UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.**

21           **(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON IS**  
22 **A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.**

23           **(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE**  
24 **CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY**  
25 **OTHER CONVICTION IN THE UNIT.**

26           **(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR**  
27 **EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.**

28           **(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT**  
29 **REQUEST TO EACH LISTED VICTIM IN THE CASE IN WHICH THE PETITIONER IS**  
30 **SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING**  
31 **THE VICTIM OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE**  
32 **EXPUNGEMENT PETITION TO THE COURT.**

33           **(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN**  
34 **OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE**

1 PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE  
2 EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.

3 (F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY  
4 OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

5 (2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE  
6 RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE  
7 COURT FINDS AND STATES ON THE RECORD:

8 (I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT  
9 UNDER SUBSECTION (A) OF THIS SECTION;

10 (II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER  
11 SUBSECTION (D) OF THIS SECTION;

12 (III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME,  
13 THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT  
14 REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND

15 (IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF  
16 JUSTICE.

17 (G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED  
18 TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

19 (H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER  
20 ENTRY OF THE ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT  
21 RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN  
22 WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF  
23 COMPLIANCE WITH THE ORDER.

24 (I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.

25 (2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS  
26 ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.

27 11-819.

28 (b) The Criminal Injuries Compensation Fund:

29 (1) shall be used to:

30 (i) carry out the provisions of this subtitle; and

1 (ii) distribute restitution payments forwarded to the Fund under [§  
 2 11-604] § 9-614 of the Correctional Services Article; and

3 (2) may be used for:

4 (i) any award given under this subtitle; and

5 (ii) the costs of carrying out this subtitle.

6 **Article – Health – General**

7 8-505.

8 (a) (1) Before or during a criminal trial, before or after sentencing, or before or  
 9 during a term of probation, the court may order the Department to evaluate a defendant to  
 10 determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may  
 11 benefit from treatment if:

12 (i) It appears to the court that the defendant has an alcohol or drug  
 13 abuse problem; or

14 (ii) The defendant alleges an alcohol or drug dependency.

15 (2) A court shall set and may change the conditions under which an  
 16 examination is to be conducted under this section.

17 (3) The Department shall ensure that each evaluation under this section is  
 18 conducted in accordance with regulations adopted by the Department.

19 (b) On consideration of the nature of the charge, the court:

20 (1) May require or permit an examination to be conducted on an outpatient  
 21 basis; and

22 (2) If an outpatient examination is authorized, shall set bail for the  
 23 defendant or authorize the release of the defendant on personal recognizance.

24 (c) (1) If a defendant is to be held in custody for examination under this section:

25 (i) The defendant may be confined in a detention facility until the  
 26 Department is able to conduct the examination; or

27 (ii) The court may order confinement of the defendant in a medical  
 28 wing or other isolated and secure unit of a detention facility, if the court finds it appropriate  
 29 for the health or safety of the defendant.

1           (2) (i) If the court finds that, because of the apparent severity of the  
2 alcohol or drug dependency or other medical or psychiatric complications, a defendant in  
3 custody would be endangered by confinement in a jail, the court may order the Department  
4 to either:

5                     1. Place the defendant, pending examination, in an  
6 appropriate health care facility; or

7                     2. Immediately conduct an evaluation of the defendant.

8           (ii) Unless the Department retains a defendant, the defendant shall  
9 be promptly returned to the court after an examination.

10           (iii) A defendant who is detained for an examination under this  
11 section may question at any time the legality of the detention by a petition for a writ of habeas  
12 corpus.

13       (d) (1) If a court orders an evaluation under this section, the evaluator shall:

14                     (i) Conduct an evaluation of the defendant; and

15                     (ii) Submit a complete report of the evaluation within 7 days to the:

16                         1. Court;

17                         2. Department; and

18                         3. Defendant or the defendant's attorney.

19           (2) On good cause shown, a court may extend the time for an evaluation  
20 under this section.

21           (3) Whenever an evaluator recommends treatment, the evaluator's report  
22 shall:

23                     (i) Name a specific program able to IMMEDIATELY provide the  
24 recommended treatment; and

25                     (ii) Give an actual or estimated date when the program can begin  
26 treatment of the defendant.

27       (e) (1) The Department shall IMMEDIATELY provide the services required by  
28 this section.

29           (2) A designee of the Department may carry out any of its duties under this  
30 section [if appropriate funding is provided].

1           (f) Evaluations performed in facilities operated by the Department of Public  
2 Safety and Correctional Services shall be conducted by the Administration.

3 8-507.

4           (a) Subject to the limitations in this section, a court that finds in a criminal case  
5 or during a term of probation that a defendant has an alcohol or drug dependency may  
6 commit the defendant as a condition of release, after conviction, or at any other time the  
7 defendant voluntarily agrees to participate in treatment, to the Department for treatment  
8 that the Department recommends, even if:

9                   (1) The defendant did not timely file a motion for reconsideration under  
10 Maryland Rule 4-345; or

11                   (2) The defendant timely filed a motion for reconsideration under Maryland  
12 Rule 4-345 which was denied by the court.

13           (b) Before a court commits a defendant to the Department under this section, the  
14 court shall:

15                   (1) Offer the defendant the opportunity to receive treatment;

16                   (2) Obtain the written consent of the defendant:

17                           (i) To receive treatment; and

18                           (ii) To have information reported back to the court;

19                   (3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this  
20 subtitle;

21                   (4) Consider the report on the defendant's evaluation; and

22                   (5) Find that the treatment that the Department recommends to be  
23 appropriate and necessary.

24           (c) Immediately on receiving an order for treatment under this section, the  
25 Department shall order a report of all pending cases, warrants, and detainers for the  
26 defendant and forward a copy of the report to the court, the defendant, and the defendant's  
27 last attorney of record.

28           (d) (1) The Department shall provide the services required by this section.

29                   (2) A designee of the Department may carry out any of the Department's  
30 duties under this section [if appropriate funding is provided].

1           (e)    (1)    A court may not order that the defendant be delivered for treatment  
2 until:

3                           (i)    [The Department gives the court notice that an appropriate  
4 treatment program is able to begin treatment of the defendant;

5                           (ii) Any detainer based on an untried indictment, information,  
6 warrant, or complaint for the defendant has been removed; and

7                           [(iii)] (ii)    Any sentence of incarceration for the defendant is no longer  
8 in effect.

9                           (2)    The Department shall facilitate the [prompt] IMMEDIATE treatment of  
10 a defendant UNLESS THE COURT FINDS EXIGENT CIRCUMSTANCES TO DELAY  
11 COMMITMENT FOR TREATMENT FOR LONGER THAN 30 DAYS.

12                          (3)    IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT  
13 UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 21 DAYS OF THE  
14 ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE  
15 REASON FOR THE LACK OF PLACEMENT.

16           (f)    For a defendant committed for treatment under this section, a court shall order  
17 supervision of the defendant:

18                          (1)    By an appropriate pretrial release agency, if the defendant is released  
19 pending trial;

20                          (2)    By the Division of Parole and Probation under appropriate conditions  
21 in accordance with §§ 6–219 through 6–225 of the Criminal Procedure Article and Maryland  
22 Rule 4–345, if the defendant is released on probation; or

23                          (3)    By the Department, if the defendant remains in the custody of a local  
24 correctional facility.

25           (g)    A court may order law enforcement officials, detention center staff, Department  
26 of Public Safety and Correctional Services staff, or sheriff's department staff within the  
27 appropriate local jurisdiction to transport a defendant to and from treatment under this  
28 section.

29           (h)    The Department shall promptly report to a court a defendant's withdrawal of  
30 consent to treatment and have the defendant returned to the court within 7 days for further  
31 proceedings.

32           (i)    A defendant who is committed for treatment under this section may question  
33 at any time the legality of the commitment by a petition for a writ of habeas corpus.

1           (j)   (1)   A commitment under this section shall be for at least 72 hours and not  
2 more than 1 year.

3                   (2)   On good cause shown by the Department, the court, or the State, the  
4 court may extend the time period for providing the necessary treatment services in  
5 increments of 6 months.

6                   (3)   Except during the first 72 hours after admission of a defendant to a  
7 treatment program, the Department may terminate the treatment if the Department  
8 determines that:

9                           (i)   Continued treatment is not in the best interest of the defendant;  
10 or

11                           (ii)   The defendant is no longer amenable to treatment.

12           (k)   When a defendant is to be released from treatment under this section, the  
13 Department shall notify the court that ordered the treatment.

14           (l)   (1)   If a defendant leaves treatment without authorization, the responsibility  
15 of the Department is limited to the notification of the court that ordered the defendant's  
16 treatment as soon as it is reasonably possible.

17                   (2)   Notice under this subsection shall constitute probable cause for a court  
18 to issue a warrant for the arrest of a defendant.

19           (m)   Nothing in this section imposes any obligation on the Department:

20                   (1)   To treat any defendant who knowingly and willfully declines to consent  
21 to further treatment; or

22                   (2)   In reporting to the court under this section, to include an assessment of  
23 a defendant's dangerousness to one's self, to another individual, or to the property of another  
24 individual by virtue of a drug or alcohol problem.

25           (n)   Time during which a defendant is held under this section for inpatient  
26 evaluation or inpatient or residential treatment shall be credited against any sentence  
27 imposed by the court that ordered the evaluation or treatment.

28           (o)   This section may not be construed to limit a court's authority to order drug  
29 treatment in lieu of incarceration under Title 5 of the Criminal Law Article.

30                   **SUBTITLE 6D. ADDICTION TREATMENT DIVESTITURE FUND.**

31           **8-6D-01.**



1       **(A) THERE IS AN ADDICTION TREATMENT DIVESTITURE FUND IN THE**  
2 **DEPARTMENT.**

3       **(B) THE PURPOSE OF THE FUND IS TO SUPPORT ADDICTION TREATMENT**  
4 **SERVICES TO PERSONS WITH SUBSTANCE-RELATED DISORDERS.**

5       **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

6       **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
7 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

8               **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
9 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

10       **(E) THE FUND CONSISTS OF:**

11               **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-804 OF THE**  
12 **CRIMINAL LAW ARTICLE;**

13               **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

14               **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE**  
15 **BENEFIT OF THE FUND.**

16       **(F) THE FUND MAY BE USED ONLY TO SUPPORT THE ACTIONS OF THE**  
17 **SECRETARY TO PROVIDE TREATMENT FOR SUBSTANCE-RELATED DISORDERS.**

18       **(G) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN**  
19 **THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

20       **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
21 **WITH THE STATE BUDGET.**

22                               **Article – State Finance and Procurement**

23       **6-226.**

24               **(a) (2) (i) Notwithstanding any other provision of law, and unless**  
25 **inconsistent with a federal law, grant agreement, or other federal requirement or with the**  
26 **terms of a gift or settlement agreement, net interest on all State money allocated by the State**  
27 **Treasurer under this section to special funds or accounts, and otherwise entitled to receive**  
28 **interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of**  
29 **the State.**

1                   (ii) The provisions of subparagraph (i) of this paragraph do not apply  
2 to the following funds:

3                   85. the Military Personnel and Veteran-Owned Small  
4 Business No-Interest Loan Fund; [and]

5                   86. the Performance Incentive Grant Fund; AND

6                   87. THE ADDICTION TREATMENT DIVESTITURE FUND.

7                   SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
8 as follows:

9                   Article – State Finance and Procurement  
10 6-226.

11                   (a) (2) (i) Notwithstanding any other provision of law, and unless  
12 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
13 terms of a gift or settlement agreement, net interest on all State money allocated by the State  
14 Treasurer under this section to special funds or accounts, and otherwise entitled to receive  
15 interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of  
16 the State.

17                   (ii) The provisions of subparagraph (i) of this paragraph do not apply  
18 to the following funds:

19                   84. the Economic Development Marketing Fund; [and]

20                   85. the Military Personnel and Veteran-Owned Small  
21 Business No-Interest Loan Fund; AND

22                   86. THE PERFORMANCE INCENTIVE GRANT FUND.

23                   Article – State Government

24                   SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.

25                   9-3201.

26                   (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28                   (B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

29                   (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE  
30 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

1        (D) "FUND" MEANS THE PERFORMANCE INCENTIVE GRANT FUND  
2 ESTABLISHED IN § 9-3209 OF THIS SUBTITLE.

3 9-3202.

4        THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE  
5 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

6 9-3203.

7        (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

8            (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE  
9 PRESIDENT OF THE SENATE;

10           (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
11 SPEAKER OF THE HOUSE;

12           (3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S  
13 DESIGNEE;

14           (4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL  
15 SERVICES, OR THE SECRETARY'S DESIGNEE;

16           (5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE  
17 CHAIR'S DESIGNEE;

18           (6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S  
19 DESIGNEE;

20           (7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S  
21 DESIGNEE;

22           (8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S DESIGNEE;

23           (9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE  
24 SECRETARY'S DESIGNEE;

25           (10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE  
26 SECRETARY'S DESIGNEE;

27           (11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE  
28 REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;

1           (12) TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT  
2 OF APPEALS;

3           (13) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR  
4 THE SECRETARY'S DESIGNEE;

5           (14) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND  
6 SHERIFFS ASSOCIATION;

7           (15) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS'  
8 ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

9           (16) TWO MEMBERS OF THE MARYLAND CORRECTIONAL  
10 ADMINISTRATORS ASSOCIATION, APPOINTED BY THE PRESIDENT OF THE  
11 MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, INCLUDING ONE  
12 REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE  
13 REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY;

14           (17) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES  
15 OR THE PRESIDENT'S DESIGNEE; AND

16           (18) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

17                   (I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

18                   (II) ONE MEMBER REPRESENTING LAW ENFORCEMENT;

19                   (III) TWO LOCAL HEALTH OFFICERS; AND

20                   (IV) ONE MEMBER WITH DIRECT EXPERIENCE TEACHING  
21 INMATES IN ACADEMIC PROGRAMS INTENDED TO ACHIEVE THE GOAL OF A HIGH  
22 SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATION.

23           (B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS  
24 SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE  
25 MEMBERSHIP OF THE BOARD.

26           (C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

27                   (2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE  
28 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD  
29 ON OCTOBER 1, 2016.

1           **(3) AT THE END OF A TERM, AN APPOINTED MEMBER:**

2                   **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

3                   **(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**  
4 **AND QUALIFIES.**

5           **(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM**  
6 **HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A**  
7 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

8           **(5) THE MEMBERS OF THE BOARD APPOINTED FROM THE SENATE OF**  
9 **MARYLAND, THE HOUSE OF DELEGATES, AND THE CHIEF JUDGE OF THE COURT OF**  
10 **APPEALS, SHALL SERVE IN AN ADVISORY CAPACITY ONLY.**

11 **9-3204.**

12           **(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

13           **(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE**  
14 **CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.**

15 **9-3205.**

16           **(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**  
17 **QUORUM.**

18           **(B) THE BOARD SHALL MEET AT LEAST QUARTERLY EACH YEAR AT THE**  
19 **TIMES AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.**

20           **(C) A MEMBER OF THE BOARD:**

21                   **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD;**  
22 **BUT**

23                   **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
24 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

25 **9-3206.**

26           **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL**  
27 **PROVIDE STAFF FOR THE BOARD.**

28 **9-3207.**

1           **(A) THE BOARD SHALL:**

2                   **(1) MONITOR PROGRESS AND COMPLIANCE WITH THE**  
3 **IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**  
4 **COORDINATING COUNCIL;**

5                   **(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT**  
6 **JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION, REGULATIONS,**  
7 **RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO IMPLEMENT THE**  
8 **RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;**

9                   **(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY**  
10 **RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL**  
11 **JUSTICE POLICY CHANGES;**

12                   **(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208 OF**  
13 **THIS SUBTITLE REGARDING PRETRIAL DETAINEES;**

14                   **(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY**  
15 **AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE**  
16 **ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE**  
17 **COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE**  
18 **MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE**  
19 **RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;**

20                   **(6) IN COLLABORATION WITH THE MARYLAND PAROLE COMMISSION,**  
21 **MONITOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THE CORRECTIONAL**  
22 **SERVICES ARTICLE AND DETERMINE WHETHER TO ADJUST ELIGIBILITY**  
23 **CONSIDERING THE EFFECTIVENESS OF ADMINISTRATIVE RELEASE AND**  
24 **EVIDENCE-BASED PRACTICES;**

25                   **(7) CREATE PERFORMANCE MEASURES TO ASSESS THE**  
26 **EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS**  
27 **SUBTITLE; AND**

28                   **(8) CONSULT AND COORDINATE WITH:**

29                   **(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT**  
30 **COMMISSION; AND**

31                   **(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS**  
32 **CONCERNING JUSTICE REINVESTMENT ISSUES.**

1           **(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY**  
2 **AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL**  
3 **SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE**  
4 **REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN**  
5 **THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY,**  
6 **AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE**  
7 **COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.**

8           **(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS**  
9 **THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL**  
10 **DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION**  
11 **MULTIPLIED BY THE VARIABLE COST.**

12           **(3) THE BOARD ANNUALLY SHALL DETERMINE THE DIFFERENCE**  
13 **BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON**  
14 **POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS**  
15 **IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

16           **(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL**  
17 **UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT**  
18 **TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS,**  
19 **REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS**  
20 **SUBSECTION.**

21           **(5) THE BOARD ANNUALLY SHALL RECOMMEND THAT THE SAVINGS**  
22 **IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE**  
23 **DISTRIBUTED AS FOLLOWS:**

24           **(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE**  
25 **PERFORMANCE INCENTIVE GRANT FUND FOR PURPOSES ESTABLISHED UNDER §**  
26 **9-3209(B)(1) OF THIS SUBTITLE; AND**

27           **(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL**  
28 **SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE**  
29 **REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.**

30           **(C) AT EACH MEETING OF THE BOARD, THE SECRETARY OF THE**  
31 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE,**  
32 **SHALL REPORT TO THE BOARD:**

33           **(1) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT**  
34 **OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE**  
35 **HEALTH - GENERAL ARTICLE IN THE PREVIOUS 3 MONTHS INCLUDING THE NUMBER**

1 OF DAYS THAT IT TOOK TO PLACE EACH INDIVIDUAL INTO TREATMENT AND WHERE  
2 THE INDIVIDUAL WAS PLACED FOR TREATMENT;

3 (2) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT  
4 OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE  
5 HEALTH – GENERAL ARTICLE WHO ARE WAITING FOR TREATMENT BUT CANNOT BE  
6 PLACED DUE TO LACK OF CAPACITY; AND

7 (3) THE NUMBER OF INDIVIDUALS ASSESSED FOR SUBSTANCE USE  
8 DISORDER IN THE PREVIOUS 3 MONTHS UNDER § 5-601 OF THE CRIMINAL LAW  
9 ARTICLE AND WHETHER EACH INDIVIDUAL WAS PLACED INTO TREATMENT AS A  
10 RESULT OF THE ASSESSMENT.

11 (D) (1) THE BOARD MAY ENTER INTO AN AGREEMENT WITH AN ACADEMIC  
12 INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND  
13 INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.

14 (2) (I) THE BOARD MAY RECOMMEND THAT A UNIT OF THE STATE  
15 ENTER INTO A CONTRACT OR AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO  
16 OBTAIN ASSISTANCE OR FINANCIAL RESOURCES TO FUND AND OTHERWISE FURTHER  
17 THE PURPOSES OF THIS SUBTITLE, INCLUDING ENTERING INTO PUBLIC-PRIVATE  
18 PARTNERSHIPS, SOCIAL IMPACT BONDS, AND OPPORTUNITY COMPACTS.

19 (II) IF THE BOARD MAKES A RECOMMENDATION UNDER  
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE WRITTEN  
21 NOTICE TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE  
22 JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS  
23 COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
24 ARTICLE, OF THE RECOMMENDATION.

25 (III) A UNIT OF THE STATE MAY NOT ENTER INTO A CONTRACT  
26 OR AN AGREEMENT RECOMMENDED BY THE BOARD UNDER SUBPARAGRAPH (I) OF  
27 THIS PARAGRAPH UNTIL 60 DAYS AFTER THE DATE OF THE NOTICE PROVIDED IN  
28 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

29 (E) (1) THE BOARD SHALL ESTABLISH AN ADVISORY BOARD FOR THE  
30 PURPOSE OF INCLUDING STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM IN THE  
31 ANALYSIS OF THE IMPLEMENTATION OF JUSTICE REINVESTMENT INITIATIVES.

32 (2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF  
33 CRIME CONTROL AND PREVENTION SHALL APPOINT MEMBERS OF THE ADVISORY  
34 BOARD, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE BOARD.

35 (3) MEMBERS OF THE ADVISORY BOARD SHALL INCLUDE:



1           (I) A REPRESENTATIVE OF THE EXCLUSIVE REPRESENTATIVE  
2 OF THE EMPLOYEES OF THE DIVISION OF PAROLE AND PROBATION;

3           (II) A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR  
4 THE ADVANCEMENT OF COLORED PEOPLE;

5           (III) A REPRESENTATIVE OF CASA DE MARYLAND;

6           (IV) A REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES  
7 UNION;

8           (V) THE CHAIR OF THE CRIMINAL LAW AND PRACTICE SECTION  
9 OF THE MARYLAND STATE BAR ASSOCIATION OR THE CHAIR'S DESIGNEE;

10          (VI) A REPRESENTATIVE OF VICTIMS OF DOMESTIC VIOLENCE;

11          (VII) A REPRESENTATIVE OF VICTIMS OF SEXUAL ASSAULT;

12          (VIII) A REPRESENTATIVE WITH CLINICAL EXPERIENCE AND  
13 EXPERTISE IN BEHAVIORAL HEALTH AND CRIMINAL JUSTICE;

14          (IX) A REPRESENTATIVE OF THE MARYLAND RETAILERS  
15 ASSOCIATION;

16          (X) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION  
17 IS TO DEVELOP AND ADVOCATE FOR POLICIES AND PROGRAMS TO INCREASE THE  
18 SKILLS, JOB OPPORTUNITIES, AND INCOMES OF LOW-SKILL, LOW-INCOME WORKERS  
19 AND JOB SEEKERS;

20          (XI) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION  
21 IS TO ADVOCATE FOR EX-OFFENDERS; AND

22          (XII) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF  
23 COMMERCE.

24 9-3208.

25          (A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY  
26 AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE  
27 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE  
28 COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT  
29 DATA TO THE BOARD THAT IS DISAGGREGATED BY RACE AND ETHNICITY IN ORDER

1 FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE,  
2 INCLUDING DATA RELATING TO:

3 (1) THE ADMISSION OF INMATES TO STATE AND LOCAL  
4 CORRECTIONAL FACILITIES;

5 (2) THE LENGTH OF INMATE SENTENCES;

6 (3) THE LENGTH OF TIME BEING SERVED BY INMATES, INCLUDING  
7 SUSPENDED PERIODS OF A CRIMINAL SENTENCE;

8 (4) RECIDIVISM;

9 (5) THE POPULATION OF COMMUNITY SUPERVISION;

10 (6) INFORMATION ABOUT THE INMATE POPULATION, INCLUDING THE  
11 AMOUNT OF RESTITUTION ORDERED AND THE AMOUNT PAID; AND

12 (7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE  
13 SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF  
14 THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE  
15 CORRECTIONAL SERVICES ARTICLE.

16 (B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, AND THE  
17 DIVISION OF PRETRIAL DETENTION AND SERVICES SHALL REPORT TO THE BOARD  
18 THE FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR REGARDING  
19 INDIVIDUALS HELD IN PRETRIAL DETENTION:

20 (1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME  
21 DAY EACH YEAR;

22 (2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN  
23 PRETRIAL DETENTION;

24 (3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN  
25 PRETRIAL DETENTION;

26 (4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE  
27 RELEASE;

28 (5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE  
29 PRETRIAL PERIOD; AND

30 (6) THE DISPOSITION OF EACH CASE.

1 9-3209.

2 (A) THERE IS A PERFORMANCE INCENTIVE GRANT FUND.

3 (B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS  
4 FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE  
5 REINVESTMENT COORDINATING COUNCIL.

6 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD  
7 MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO:

8 (I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE  
9 PROTECTED AND ENHANCED;

10 (II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;

11 (III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;

12 (IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING  
13 MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;

14 (V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;

15 (VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;

16 (VII) PROVIDE FOR SPECIALTY COURTS;

17 (VIII) PROVIDE FOR REENTRY PROGRAMS;

18 (IX) PROVIDE FOR SUBSTANCE USE DISORDER AND COMMUNITY  
19 MENTAL HEALTH SERVICE PROGRAMS; AND

20 (X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT WILL  
21 FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION.

22 (3) (I) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY  
23 UNDER THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO  
24 ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.

25 (II) THE GRANTS SHALL BE USED TO SUPPLEMENT, BUT NOT  
26 SUPPLANT, FUNDS RECEIVED FROM OTHER SOURCES.

1           **(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**  
2 **SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT NECESSARY TO**  
3 **OFFSET THE COSTS OF ADMINISTERING THE FUND, INCLUDING THE COSTS**  
4 **INCURRED IN AN AGREEMENT TO COLLECT AND INTERPRET DATA AS AUTHORIZED**  
5 **BY § 9-3207 OF THIS SUBTITLE.**

6           **(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE**  
7 **BOARD SHALL ADMINISTER THE FUND.**

8           **(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY**  
9 **GRANTS FROM THE FUND.**

10           **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
11 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

12           **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
13 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

14           **(E) THE FUND CONSISTS OF:**

15           **(1) MONEY APPROPRIATED IN THE STATE BUDGET;**

16           **(2) INTEREST EARNED ON MONEY IN THE FUND; AND**

17           **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE**  
18 **BENEFIT OF THE FUND.**

19           **(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN**  
20 **SUBSECTION (B) OF THIS SECTION.**

21           **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
22 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

23           **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
24 **THE FUND.**

25           **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
26 **WITH THE STATE BUDGET.**

27           **(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE**  
28 **RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS NOT**  
29 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**  
30 **APPROPRIATED FOR THESE PURPOSES.**

1 9-3210.

2 THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO  
3 CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.

4 9-3211.

5 (A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT  
6 JUSTICE REINVESTMENT COMMISSION.

7 (B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT  
8 COMMISSION.

9 (C) THE COMMISSION SHALL:

10 (1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION,  
11 REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO  
12 IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT  
13 COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;

14 (2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS  
15 TO LOCAL GOVERNMENTS FROM THE FUND; AND

16 (3) CREATE PERFORMANCE MEASURES TO ASSESS THE  
17 EFFECTIVENESS OF THE GRANTS.

18 (D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH  
19 COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.

20 (2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE  
21 COMMISSION.

22 (E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

23 (2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE  
24 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE  
25 COMMISSION ON OCTOBER 1, 2016.

26 (3) AT THE END OF A TERM, A MEMBER:

27 (I) IS ELIGIBLE FOR REAPPOINTMENT; AND

28 (II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED  
29 AND QUALIFIES.

1           (4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM  
 2 HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A  
 3 SUCCESSOR IS APPOINTED AND QUALIFIES.

4           (F) A MEMBER OF THE COMMISSION:

5           (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
 6 COMMISSION; BUT

7           (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
 8 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9           (G) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION  
 10 SHALL PROVIDE STAFF FOR THE COMMISSION.

11 9-3212.

12           ON OR BEFORE DECEMBER 31, 2017, AND EACH YEAR THEREAFTER, THE  
 13 BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS  
 14 ARTICLE, TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE BOARD AND THE  
 15 LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

16           SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 17 as follows:

18                                           Article – Transportation

19 27-101.

20           (b) Except as otherwise provided in this section, any person convicted of a  
 21 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject  
 22 to a fine of not more than \$500.

23           (c) Any person who is convicted of a violation of any of the provisions of the  
 24 following sections of this article is subject to a fine of not more than \$500 or imprisonment  
 25 for not more than 2 months or both:

26           (1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of  
 27 identification card prohibited”);

28           (2) § 14-102 (“Taking or driving vehicle without consent of owner”);

29           (3) § 14-104 (“Damaging or tampering with vehicle”);

1           (4)    § 14-107 (“Removed, falsified, or unauthorized identification number or  
2 registration card or plate”);

3           (5)    § 14-110 (“Altered or forged documents and plates”);

4           (6)    § 15-312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

5           (7)    § 15-313 (“Dealers: Prohibited acts – Advertising practices”);

6           (8)    § 15-314 (“Dealers: Prohibited acts – Violation of licensing laws”);

7           (9)    § 15-411 (“Vehicle salesmen: Prohibited acts”);

8           (10)   § 16-113(j) (“Violation of alcohol restriction”);

9           (11)   § 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);

10          (12)   [§ 16-303(h) (“Licenses suspended under certain provisions of Code”);

11          (13)   § 16-303(i) (“Licenses suspended under certain provisions of the traffic  
12 laws or regulations of another state”);

13          (15)] § 20-103 (“Driver to remain at scene – Accidents resulting only in  
14 damage to attended vehicle or property”);

15          [(16)] (13) § 20-104 (“Duty to give information and render aid”);

16          [(17)] (14) § 20-105 (“Duty on striking unattended vehicle or other  
17 property”);

18          [(18)] (15) § 20-108 (“False reports prohibited”);

19          [(19)] (16) § 21-206 (“Interference with traffic control devices or railroad  
20 signs and signals”);

21          [(20)] (17) As to a pedestrian in a marked crosswalk, § 21-502(a)  
22 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an  
23 accident;

24          [(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21-502(c)  
25 (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an  
26 accident;

27          [(22)] (19) Except as provided in subsections (f) and (g) of this section, §  
28 21-902(b) (“Driving while impaired by alcohol”);

1 ~~[(23)] (20)~~ *Except as provided in subsections (f) and (g) of this section, §*  
 2 *21-902(c) (“Driving while impaired by drugs or drugs and alcohol”);*

3 ~~[(24)] (21)~~ *§ 21-902.1 (“Driving within 12 hours after arrest”);*

4 ~~[(25)] (22)~~ *Title 21, Subtitle 10A (“Towing or Removal of Vehicles from*  
 5 *Parking Lots”); or*

6 ~~[(26)] (23)~~ *§ 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock*  
 7 *systems”).*

8 **(GG) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303(H)**  
 9 **(“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OR § 16-303(I)**  
 10 **(“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE TRAFFIC LAWS OR**  
 11 **REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE:**

12 **(1) IS SUBJECT TO A FINE OF NOT MORE THAN \$500;**

13 **(2) MUST APPEAR IN COURT; AND**

14 **(3) MAY NOT PREPAY THE FINE.**

15 **SECTION 5. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime**  
 16 **Control and Prevention shall:**

17 **(1) in coordination with the Department of Public Safety and Correctional**  
 18 **Services, the Department of Health and Mental Hygiene, the Judiciary, public health and**  
 19 **treatment professionals, and local corrections authorities, conduct an analysis to determine**  
 20 **the gap between offender treatment needs and available treatment services in the State,**  
 21 **including:**

22 **(i) a feasibility study of local jail and service provider capacity for**  
 23 **substance use and mental health disorder and related treatment; and**

24 **(ii) a plan for how a sequential intercept model could be used to**  
 25 **address the gap between offender treatment needs and available treatment services in the**  
 26 **State; and**

27 **(2) report the results of the analysis with recommendations to the General**  
 28 **Assembly, in accordance with § 2-1246 of the State Government Article, on or before**  
 29 **December 31, 2016.**

30 **SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General**  
 31 **Assembly that the Governor provide funding annually in the budget bill for:**



1           (1) the Department of Health and Mental Hygiene to expand the use of drug  
2 treatment under § 8-507 of the Health – General Article, as enacted by Section 2 of this Act;

3           (2) the Department of Health and Mental Hygiene and the Department of  
4 Public Safety and Correctional Services to establish a process to expand the enrollment of  
5 incarcerated individuals in Medicaid on release;

6           (3) the Division of Correction to expand treatment and programming within  
7 correctional institutions for substance abuse treatment, mental health treatment,  
8 cognitive-behavioral programming, and other evidence-based interventions for offenders;

9           (4) the Division of Parole and Probation to expand treatment and  
10 programming in the community to include day reporting centers, mental health treatment,  
11 cognitive-behavioral programming, and other evidence-based interventions for offenders;  
12 and

13           (5) the State unit responsible for the improvement of the collection of  
14 restitution as determined under Sections 12 and 13 of this Act.

15           SECTION 7. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,  
16 the Maryland Mediation and Conflict Resolution Office shall study and identify best  
17 practices for criminal referrals to mediation, based on experiences across the State and  
18 research, and submit a report of its findings and recommendations to the Justice  
19 Reinvestment Oversight Board, the Governor, and, in accordance with § 2-1246 of the State  
20 Government Article, the General Assembly.

21           SECTION 8. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018,  
22 the State Commission on Criminal Sentencing Policy shall study how more alternatives to  
23 incarceration may be included in the sentencing guidelines and shall submit a report of the  
24 findings and recommendations to the Justice Reinvestment Oversight Board, the Governor,  
25 and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

26           SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Health and  
27 Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department  
28 of Public Safety and Correctional Services shall:

29           (1) in consultation with organizations representing businesses dedicated to  
30 improving the business climate in Maryland and nonprofit organizations with the mission  
31 to develop and advocate policies and programs to increase the skills, job opportunities, and  
32 incomes of low-skill and low-income workers and job seekers, review and make  
33 recommendations regarding:

34           (i) potential barriers to employment, licensing, and entrepreneurship  
35 for individuals with a criminal record, including the denial, suspension, or revocation of  
36 occupational licenses for criminal convictions; and

1                   (ii) the criminalization of occupational license violations, including  
2 the practicing of an occupation without a license; and

3                   (2) make recommendations regarding changes to occupational licensing  
4 laws that:

5                   (i) promote the State's policy of encouraging employment of workers  
6 with a criminal record by removing barriers for applicants seeking to demonstrate fitness  
7 for occupational licenses;

8                   (ii) protect the integrity of professional occupations while promoting  
9 the State's interest in maintaining public safety and reducing costs and burdens to the  
10 criminal justice system;

11                   (iii) promote consistency in and uniform application of the  
12 occupational licensing laws across all State agencies, including the State Department of  
13 Agriculture, the Department of the Environment, the Department of Health and Mental  
14 Hygiene, the Department of Human Resources, the Department of Labor, Licensing, and  
15 Regulation, and the Department of Public Safety and Correctional Services; and

16                   (iv) on or before December 31, 2016, report the findings and  
17 recommendations to the Governor and, in accordance with § 2-1246 of the State Government  
18 Article, the General Assembly.

19                   SECTION 10. AND BE IT FURTHER ENACTED, That the terms of the initial  
20 appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

21                   (1) two members in 2017;

22                   (2) two members in 2018;

23                   (3) two members in 2019; and

24                   (4) two members in 2020.

25                   SECTION 11. AND BE IT FURTHER ENACTED, That the terms of the initial  
26 members of the Local Government Justice Reinvestment Commission shall expire as follows:

27                   (1) six members in 2017;

28                   (2) six members in 2018;

29                   (3) six members in 2019; and

30                   (4) six members in 2020.

1           SECTION 12. AND BE IT FURTHER ENACTED, That the Governor's Office of  
2 Crime Control and Prevention shall:

3           (1) study the restitution process in the State and make recommendations  
4 concerning the restitution process, including:

5                   (i) recommending a process and State unit for collecting data and  
6 developing evidence-based practices for restitution collection; and

7                   (ii) recommending methods for developing additional enforcement  
8 and data collection technology infrastructure;

9           (2) determine which State unit should assume the duties currently  
10 undertaken by the Division of Parole and Probation and the Central Collection Unit  
11 regarding collection of restitution;

12           (3) determine whether the Criminal Injuries Compensation Board and any  
13 other victim services programs should be transferred to another entity, including considering  
14 whether a transfer would;

15                   (i) minimize fragmentation of functions that the State government  
16 performs on behalf of victims of crime and delinquent acts, while ensuring that services for  
17 special populations, including victims of sexual assault and child sexual abuse, are  
18 performed by providers with expertise in the area of need; and

19                   (ii) improve the coordination, efficiency, and effectiveness of State  
20 assistance to victims of crime and delinquent acts;

21           (4) consider any other ways to improve the collection of restitution;

22           (5) review the classifications for larceny-theft under the Uniform Crime  
23 Reporting Program to determine how to distinguish shoplifting offenses from theft by  
24 organized retail crime rings; and

25           (6) report to the Governor and, in accordance with § 2-1246 of the State  
26 Government Article, the General Assembly by December 1, 2016, on its findings and  
27 recommendations.

28           SECTION 13. AND BE IT FURTHER ENACTED, That unless the Governor  
29 determines that transferring the collection of restitution from the Division of Parole and  
30 Probation and the Central Collection Unit to another State unit will not improve the  
31 collection of restitution, the Governor shall order the new State unit to assume the  
32 responsibility of collecting restitution by issuing an executive order to reorganize State  
33 government under Article II, Section 24 of the Maryland Constitution for the 2017 regular  
34 session of the General Assembly. The Governor shall include a provision in the executive  
35 order providing that the transfer may not be effective until 30 days after the Governor's Office  
36 of Crime Control and Prevention notifies in writing the Governor, the President of the

1 Senate, and the Speaker of the House that the new State unit is able to assume the collection  
2 roles and responsibilities.

3 SECTION 14. AND BE IT FURTHER ENACTED, That § 3-704, § 3-707, and §  
4 3-708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be  
5 construed prospectively to apply only to inmates that are sentenced on or after October 1,  
6 2017.

7 SECTION 15. AND BE IT FURTHER ENACTED, That on or before March 1  
8 annually, the Administrative Office of the Courts shall report to the Governor and, in  
9 accordance with § 2-1246 of the State Government Article, the General Assembly, on the  
10 number of substance abuse disorder assessments ordered by courts in criminal cases under  
11 § 8-505 of the Health – General Article during the previous calendar year.

12 SECTION 16. AND BE IT FURTHER ENACTED, That, on or before January 1,  
13 2017, the Justice Reinvestment Oversight Board shall report to the Governor and, in  
14 accordance with § 2-1246 of the State Government Article, the General Assembly on:

15 (1) the status of the progress toward the implementation of this Act; and

16 (2) the projected financial impact of the implementation of this Act on local  
17 jurisdictions and correctional facilities.

18 SECTION 17. AND BE IT FURTHER ENACTED, That local correctional facilities  
19 shall, in coordination with the Department of Health and Mental Hygiene and local health  
20 departments, conduct an analysis to determine the budgetary requirements of this Act and  
21 shall report a plan for meeting the budgetary requirements to the General Assembly, in  
22 accordance with § 2-1246 of the State Government Article, on or before December 31, 2016.

23 SECTION 18. AND BE IT FURTHER ENACTED, That Section 2 and Section 4 of  
24 this Act shall take effect October 1, 2017.

25 SECTION 19. AND BE IT FURTHER ENACTED, That, except as provided in  
26 Section 18 of this Act, this Act shall take effect October 1, 2016.