

HOUSE BILL 577

E2
HB 883/19 – JUD & HGO

01r2728

By: **Delegate Dumais**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary and Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Justice Reinvestment Act – Modifications**

3 FOR the purpose of providing that a certain presumption may be rebutted if a certain
4 commissioner or court finds and states on the record at a certain time that adhering
5 to certain limits would create a risk to a certain parolee, inmate, probationer, or
6 defendant; authorizing a certain commissioner or court to take certain actions on
7 finding that adhering to certain limits would create a risk to a certain parolee,
8 inmate, probationer, or defendant; requiring a certain designee who may conduct a
9 certain assessment to be certified or licensed, rather than certified and licensed;
10 requiring a court to hold a hearing on a certain application; authorizing a certain
11 person serving a certain term of confinement for an offense relating to volume
12 dealing in cocaine base imposed on or before a certain date to file a certain motion to
13 modify or reduce the sentence under certain circumstances; altering penalties for
14 obtaining, attempting to obtain, possessing, or distributing controlled paraphernalia;
15 altering a certain incorrect statutory reference; repealing a requirement that a
16 certain person file a certain petition in a certain court under certain circumstances;
17 ~~altering a provision of law to require the State's Attorney, rather than the court, to~~
18 ~~send a certain notice to a certain victim at the victim's last known address, rather~~
19 ~~than the address listed in the court file;~~ altering the membership of the advisory
20 board of the Justice Reinvestment Oversight Board; making conforming changes;
21 making clarifying changes; making a certain technical correction; and generally
22 relating to justice reinvestment.

23 BY repealing and reenacting, with amendments,
24 Article – Correctional Services

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.



1 Section 7-401 and 7-504
2 Annotated Code of Maryland
3 (2017 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Criminal Law
6 Section 5-601(e)(1), 5-609.1, and 5-620
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2019 Supplement)

9 BY adding to
10 Article – Criminal Law
11 Section 5-612.1
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 6-223, 6-224, and ~~10-110(a), (b), and (c)~~ 10-110(a) and (b)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – State Government
21 Section 9-3202
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 9-3207(e)
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2019 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Transportation
31 Section 16-303(k)
32 Annotated Code of Maryland
33 (2012 Replacement Volume and 2019 Supplement)

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

36 **Article – Correctional Services**

37 7-401.

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

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

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

8 (c) If the commissioner finds from the evidence that the parolee has violated a
9 condition of parole, the commissioner may take any action that the commissioner considers
10 appropriate, including:

11 (1) (i) subject to subsection (d)(1) of this section, revoking the order of
12 parole;

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

14 (iii) remanding the individual to the Division of Correction or local
15 correctional facility from which the individual was paroled; or

16 (2) continuing parole:

17 (i) without modification of its conditions; or

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

20 (d) (1) Subject to paragraph (4) of this subsection, if an order of parole is
21 revoked due to a technical violation, as defined in § 6-101 of this article, the commissioner
22 hearing the parole revocation may require the individual to serve a period of imprisonment
23 of:

24 (i) for a first violation, not more than 15 days;

25 (ii) for a second violation, not more than 30 days; and

26 (iii) for a third violation, not more than 45 days.

27 (2) Subject to paragraph (3) of this subsection and further action by the
28 Commission, if the order of parole is revoked for a fourth or subsequent technical violation
29 or a violation that is not a technical violation, the commissioner hearing the parole
30 revocation, in the commissioner's discretion, may require the inmate to serve any unserved
31 portion of the sentence originally imposed.

1 (3) An inmate may not receive credit for time between release on parole
2 and revocation of parole if:

3 (i) the inmate was serving a sentence for a violent crime when
4 parole was revoked; and

5 (ii) the parole was revoked due to a finding that the inmate
6 committed a violent crime while on parole.

7 (4) (i) There is a rebuttable presumption that the limits on the period
8 of imprisonment that may be imposed for a technical violation established in paragraph (1)
9 of this subsection are applicable.

10 (ii) The presumption may be rebutted if a commissioner finds and
11 states on the record, after consideration of the following factors, that adhering to the limits
12 on the period of imprisonment established under paragraph (1) of this subsection would
13 create a risk to public safety, **THE PAROLEE**, a victim, or a witness:

14 1. the nature of the parole violation;

15 2. the facts and circumstances of the crime for which the
16 parolee was convicted; and

17 3. the parolee's history.

18 (iii) On finding that adhering to the limits would create a risk to
19 public safety, **THE PAROLEE**, a victim, or a witness under subparagraph (ii) of this
20 paragraph, the commissioner may:

21 1. direct imposition of a longer period of imprisonment than
22 provided in paragraph (1) of this subsection, but no more than the time remaining on the
23 original sentence; or

24 2. commit the parolee to the Maryland Department of Health
25 for treatment under § 8–507 of the Health – General Article.

26 (iv) A finding under subparagraph (ii) of this paragraph or an action
27 under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or
28 Subtitle 4 of the Courts Article.

29 (e) Subject to subsection (d) of this section, if a sentence has commenced as
30 provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when
31 the order of parole is revoked, any reimposed portion of the sentence originally imposed
32 shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this
33 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 the following words have the meanings indicated.

6 (2) "Technical violation" has the meaning stated in § 6-101 of this article.

7 (3) "Term of confinement" has the meaning stated in § 3-701 of this article.

8 (b) (1) Subject to paragraph (3) of this subsection, the commissioner presiding
9 at an individual's mandatory supervision revocation hearing may revoke diminution credits
10 previously earned by the individual on the individual's term of confinement in accordance
11 with the following schedule:

12 (i) not more than 15 days for a first technical violation;

13 (ii) not more than 30 days for a second technical violation;

14 (iii) not more than 45 days for a third technical violation; and

15 (iv) up to all remaining days for a fourth or subsequent technical
16 violation or a violation that is not a technical violation.

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

21 (3) (i) There is a rebuttable presumption that the limits on the
22 revocation of diminution credits for a technical violation established in paragraph (1) of this
23 subsection are applicable.

24 (ii) The presumption may be rebutted if a commissioner finds and
25 states on the record, after consideration of the following factors, that adhering to the limits
26 on the revocation of diminution credits established under paragraph (1) of this subsection
27 would create a risk to public safety, **THE INMATE**, a victim, or a witness:

28 1. the nature of the mandatory supervision violation;

29 2. the facts and circumstances of the crime for which the
30 inmate was convicted; and

31 3. the inmate's history.

1 (iii) On finding that adhering to the limits would create a risk to
2 public safety, **THE INMATE**, a victim, or a witness under subparagraph (ii) of this
3 paragraph, the commissioner may:

4 1. direct that a greater number of diminution credits be
5 revoked than provided in paragraph (1) of this subsection; or

6 2. commit the inmate to the Maryland Department of Health
7 for treatment under § 8–507 of the Health – General Article.

8 (iv) A finding under subparagraph (ii) of this paragraph or an action
9 under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or
10 Title 12, Subtitle 4 of the Courts Article.

11 **Article – Criminal Law**

12 5–601.

13 (e) (1) (i) Before imposing a sentence under subsection (c) of this section,
14 the court may order the Maryland Department of Health or a certified **[and] OR** licensed
15 designee to conduct an assessment of the defendant for substance use disorder and
16 determine whether the defendant is in need of and may benefit from drug treatment.

17 (ii) If an assessment for substance use disorder is requested by the
18 defendant and the court denies the request, the court shall state on the record the basis for
19 the denial.

20 5–609.1.

21 (a) Notwithstanding any other provision of law and subject to subsection (c) of
22 this section, a person who is serving a term of confinement that includes a mandatory
23 minimum sentence imposed on or before September 30, 2017, for a violation of §§ 5–602
24 through 5–606 of this subtitle may apply to the court to modify or reduce the mandatory
25 minimum sentence as provided in Maryland Rule 4–345, regardless of whether the
26 defendant filed a timely motion for reconsideration or a motion for reconsideration was
27 denied by the court.

28 (b) The court may modify the sentence and depart from the mandatory minimum
29 sentence unless the State shows that, giving due regard to the nature of the crime, the
30 history and character of the defendant, and the defendant’s chances of successful
31 rehabilitation:

32 (1) retention of the mandatory minimum sentence would not result in
33 substantial injustice to the defendant; and

1 (2) the mandatory minimum sentence is necessary for the protection of the
2 public.

3 (c) (1) Except as provided in paragraph (2) of this subsection, an application
4 [for a hearing] under subsection (a) of this section shall be [submitted to] **FILED WITH** the
5 court or review panel on or before September 30, 2018.

6 (2) The court may consider an application **FILED** after September 30, 2018,
7 only for good cause shown.

8 (3) The court shall notify the State's Attorney of [a request for a hearing]
9 **THE FILING OF AN APPLICATION.**

10 (4) A person may not file more than one application [for a hearing] under
11 subsection (a) of this section for a mandatory minimum sentence for a violation of §§ 5–602
12 through 5–606 of this subtitle.

13 **(5) THE COURT SHALL HOLD A HEARING ON AN APPLICATION FILED**
14 **UNDER SUBSECTION (A) OF THIS SECTION.**

15 **5–612.1.**

16 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO**
17 **SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF**
18 **CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR**
19 **BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF § 5–612 OF THIS SUBTITLE**
20 **INVOLVING LESS THAN 448 GRAMS OF COCAINE BASE MAY APPLY TO THE COURT TO**
21 **MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN**
22 **MARYLAND RULE 4–345, REGARDLESS OF WHETHER THE DEFENDANT FILED A**
23 **TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS**
24 **DENIED BY THE COURT.**

25 **(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE**
26 **MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE**
27 **REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE**
28 **DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:**

29 **(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD**
30 **NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND**

31 **(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE**
32 **PROTECTION OF THE PUBLIC.**

1 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FILED WITH**
3 **THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2021.**

4 **(2) THE COURT MAY CONSIDER AN APPLICATION FILED AFTER**
5 **SEPTEMBER 30, 2021, ONLY FOR GOOD CAUSE SHOWN.**

6 **(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF THE**
7 **FILING OF AN APPLICATION.**

8 **(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION UNDER**
9 **SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A**
10 **VIOLATION OF § 5-612 OF THIS SUBTITLE INVOLVING LESS THAN 448 GRAMS OF**
11 **COCAINE BASE.**

12 **(5) THE COURT SHALL HOLD A HEARING ON AN APPLICATION FILED**
13 **UNDER SUBSECTION (A) OF THIS SECTION.**

14 5-620.

15 (a) Unless authorized under this title, a person may not:

16 (1) obtain or attempt to obtain controlled paraphernalia by:

17 (i) fraud, deceit, misrepresentation, or subterfuge;

18 (ii) counterfeiting a prescription or a written order;

19 (iii) concealing a material fact or the use of a false name or address;

20 (iv) falsely assuming the title of or representing to be a
21 manufacturer, distributor, or authorized provider; or

22 (v) making or issuing a false or counterfeit prescription or written
23 order; or

24 (2) possess or distribute controlled paraphernalia under circumstances
25 which reasonably indicate an intention to use the controlled paraphernalia for purposes of
26 illegally administering a controlled dangerous substance.

27 (b) Evidence of circumstances that reasonably indicate an intent to use controlled
28 paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous
29 substance unlawfully include the close proximity of the controlled paraphernalia to an
30 adulterant, diluent, or equipment commonly used to illegally manufacture, administer,
31 distribute, or dispense controlled dangerous substances, including:

- 1 (1) a scale;
- 2 (2) a sieve;
- 3 (3) a strainer;
- 4 (4) a measuring spoon;
- 5 (5) staples;
- 6 (6) a stapler;
- 7 (7) a glassine envelope;
- 8 (8) a gelatin capsule;
- 9 (9) procaine hydrochloride;
- 10 (10) mannitol;
- 11 (11) lactose;
- 12 (12) quinine; and
- 13 (13) a controlled dangerous substance.

14 (c) Information that is communicated to a physician to obtain controlled
15 paraphernalia from the physician in violation of this subtitle is not a privileged
16 communication.

17 (d) [(1) Except as provided in paragraph (2) of this subsection, a] **A** person who
18 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
19 not exceeding [4 years] **1 YEAR** or a fine not exceeding [\$25,000] **\$5,000** or both.

20 [(2) A person who violates this section involving the use or possession of
21 marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
22 or both.]

23 Article – Criminal Procedure

24 6–223.

25 (a) A circuit court or the District Court may end the period of probation at any
26 time.

27 (b) On receipt of written charges, filed under oath, that a probationer or
28 defendant violated a condition of probation during the period of probation, the District

1 Court may, during the period of probation or within 30 days after the violation, whichever
2 is later, issue a warrant or notice requiring the probationer or defendant to be brought or
3 appear before the judge issuing the warrant or notice:

4 (1) to answer the charge of violation of a condition of probation or of
5 suspension of sentence; and

6 (2) to be present for the setting of a timely hearing date for that charge.

7 (c) Pending the hearing or determination of the charge, a circuit court or the
8 District Court may remand the probationer or defendant to a correctional facility or release
9 the probationer or defendant with or without bail.

10 (d) If, at the hearing, a circuit court or the District Court finds that the
11 probationer or defendant has violated a condition of probation, the court may:

12 (1) revoke the probation granted or the suspension of sentence; and

13 (2) (i) subject to subsection (e) of this subsection, for a technical
14 violation, impose a period of incarceration of:

15 1. not more than 15 days for a first technical violation;

16 2. not more than 30 days for a second technical violation; and

17 3. not more than 45 days for a third technical violation; and

18 (ii) for a fourth or subsequent technical violation or a violation that
19 is not a technical violation, impose any [sentence that might have originally been]
20 **UNSERVED PORTION OF THE SENTENCE ORIGINALLY** imposed for the crime of which
21 the probationer or defendant was convicted or pleaded nolo contendere.

22 (e) (1) There is a rebuttable presumption that the limits on the period of
23 incarceration that may be imposed for a technical violation established under subsection
24 (d)(2) of this section are applicable.

25 (2) The presumption may be rebutted if the court finds and states on the
26 record, after consideration of the following factors, that adhering to the limits on the period
27 of incarceration established under subsection (d)(2) of this section would create a risk to
28 public safety, **THE PROBATIONER OR DEFENDANT**, a victim, or a witness:

29 (i) the nature of the probation violation;

30 (ii) the facts and circumstances of the crime for which the
31 probationer or defendant was convicted; and

32 (iii) the probationer's or defendant's history.

1 (3) On finding that adhering to the limits would create a risk to public
2 safety, **THE PROBATIONER OR DEFENDANT**, a victim, or a witness under paragraph (2)
3 of this subsection, the court may:

4 (i) direct imposition of a longer period of incarceration than
5 provided under subsection (d)(2) of this section, but no more than the time remaining on
6 the original sentence; or

7 (ii) commit the probationer or defendant to the Maryland
8 Department of Health for treatment under § 8–507 of the Health – General Article.

9 (4) A finding under paragraph (2) of this subsection or an action under
10 paragraph (3) of this subsection is subject to appeal under Title 12, Subtitle 3 or Subtitle 4
11 of the Courts Article.

12 6–224.

13 (a) This section applies to a defendant who is convicted of a crime for which the
14 court:

15 (1) does not impose a sentence;

16 (2) suspends the sentence generally;

17 (3) places the defendant on probation for a definite time; or

18 (4) passes another order and imposes other conditions of probation.

19 (b) If a defendant is brought before a circuit court to be sentenced on the original
20 charge or for violating a condition of probation, and the judge then presiding finds that the
21 defendant violated a condition of probation, the judge:

22 (1) subject to subsection (c) of this section, may sentence the defendant to:

23 (i) all or any part of the period of imprisonment imposed in the
24 original sentence; or

25 (ii) any sentence allowed by law, if a sentence was not imposed
26 before; and

27 (2) may suspend all or part of a sentence and place the defendant on
28 further probation on any conditions that the judge considers proper, and that do not exceed
29 the maximum set under § 6–222 of this subtitle.

1 (c) (1) Subject to paragraph (2) of this subsection, if the court finds that the
2 defendant violated a condition of probation that is a technical violation, the court may
3 impose a period of incarceration of:

4 (i) not more than 15 days for a first technical violation;

5 (ii) not more than 30 days for a second technical violation;

6 (iii) not more than 45 days for a third technical violation; and

7 (iv) [all or any part of the period of imprisonment imposed in the
8 original sentence] **ANY UNSERVED PORTION OF THE SENTENCE ORIGINALLY IMPOSED**
9 for a fourth or subsequent technical violation.

10 (2) (i) There is a rebuttable presumption that the limits on the period
11 of incarceration that may be imposed for a technical violation established in paragraph (1)
12 of this subsection are applicable.

13 (ii) The presumption may be rebutted if the court finds and states on
14 the record, after consideration of the following factors, that adhering to the limits on the
15 period of incarceration established under paragraph (1) of this subsection would create a
16 risk to public safety, **THE DEFENDANT**, a victim, or a witness:

17 1. the nature of the probation violation;

18 2. the facts and circumstances of the crime for which the
19 defendant was convicted; and

20 3. the defendant's history.

21 (iii) On finding that adhering to the limits would create a risk to
22 public safety, **THE DEFENDANT**, a victim, or a witness under subparagraph (ii) of this
23 paragraph, the court may:

24 1. direct imposition of a longer period of incarceration than
25 provided in paragraph (1) of this subsection, but no more than the time remaining on the
26 original sentence; or

27 2. commit the defendant to the Maryland Department of
28 Health for treatment under § 8–507 of the Health – General Article.

29 (iv) A finding under subparagraph (ii) of this paragraph or an action
30 under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or
31 Subtitle 4 of the Courts Article.

1 (d) (1) The District Court judge who originally imposed conditions of probation
2 or suspension of sentence shall hear any charge of violation of the conditions of probation
3 or suspension of sentence.

4 (2) Except as provided in paragraph (3) of this subsection, the judge shall
5 sentence the defendant if probation is revoked or suspension stricken.

6 (3) If the judge has been removed from office, has died or resigned, or is
7 otherwise incapacitated, any other judge of the District Court may act in the matter.

8 10–110.

9 (a) A person may file a petition listing relevant facts for expungement of a police
10 record, court record, or other record maintained by the State or a political subdivision of
11 the State if the person is convicted of:

12 (1) a misdemeanor that is a violation of:

13 (i) § 6–320 of the Alcoholic Beverages Article;

14 (ii) an offense listed in § 17–613(a) of the Business Occupations and
15 Professions Article;

16 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
17 the Business Regulation Article;

18 (iv) § 3–1508 or § 10–402 of the Courts Article;

19 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
20 Article;

21 (vi) § 5–211 of this article;

22 (vii) § 3–203 or § 3–808 of the Criminal Law Article;

23 (viii) § 5–601 not involving the use or possession of marijuana, §
24 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;

25 (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or
26 § 6–503 of the Criminal Law Article;

27 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
28 Criminal Law Article;

29 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
30 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;

- 1 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 2 (xiii) § 10–110, § 10–201, § 10–402, **OR** § 10–404[, or § 10–502] of the
3 Criminal Law Article;
- 4 (xiv) § 11–303, § 11–306, § 11–307 of the Criminal Law Article;
- 5 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
6 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 7 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 8 (xvii) § 4–509 of the Family Law Article;
- 9 (xviii) § 18–215 of the Health – General Article;
- 10 (xix) § 4–411 or § 4–2005 of the Housing and Community Development
11 Article;
- 12 (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, §
13 27–407.1, or § 27–407.2 of the Insurance Article;
- 14 (xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, §
15 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed
16 limits for personal watercraft;
- 17 (xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public
18 Safety Article;
- 19 (xxiii) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;
- 20 (xxiv) § 9–124 of the State Government Article;
- 21 (xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the
22 Tax – General Article; or
- 23 (xxvi) the common law offenses of affray, rioting, criminal contempt,
24 battery, or hindering;
- 25 (2) a felony that is a violation of:
- 26 (i) § 7–104 of the Criminal Law Article;
- 27 (ii) the prohibition against possession with intent to distribute a
28 controlled dangerous substance under § 5–602(2) of the Criminal Law Article; **[or]**
- 29 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

(IV) § 10–502 OF THE CRIMINAL LAW ARTICLE; OR

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition for expungement in the court in which the proceeding began.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, if] **IF** the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

[(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.]

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

~~(c) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.~~

~~(2) The [court] STATE'S ATTORNEY shall send written notice of the expungement request to each listed victim in the case in which the petitioner is seeking expungement at the VICTIM'S LAST KNOWN address [listed in the court file], advising the victim of the right to offer additional information relevant to the expungement petition to the court.~~

~~(3) Unless the State's Attorney or a victim files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.~~

Article – State Government

9–3202.

There is a Justice Reinvestment Oversight Board in the Governor's Office of Crime Control and Prevention.

9–3207.

1 (e) (1) The Board shall establish an advisory board for the purpose of including
2 stakeholders in the criminal justice system in the analysis of the implementation of justice
3 reinvestment initiatives.

4 (2) The Executive Director of the Governor's Office of Crime Control and
5 Prevention shall appoint members of the advisory board, subject to the approval of the chair
6 of the Board.

7 (3) Members of the advisory board shall include:

8 (i) a representative of the exclusive representative of the employees
9 of the Division of Parole and Probation;

10 (ii) a representative of the National Association for the
11 Advancement of Colored People;

12 (iii) a representative of CASA de Maryland;

13 (iv) a representative of the American Civil Liberties Union;

14 (v) the chair of the Criminal Law and Practice Section of the
15 Maryland State Bar Association or the chair's designee;

16 (vi) a representative of victims of domestic violence;

17 (vii) a representative of victims of sexual assault;

18 (viii) a representative with clinical experience and expertise in
19 behavioral health and criminal justice;

20 (ix) a representative of the Maryland Retailers Association;

21 (x) a representative of an organization whose mission is to develop
22 and advocate for policies and programs to increase the skills, job opportunities, and incomes
23 of low-skill, low-income workers and job seekers;

24 (xi) a representative of an organization whose mission is to advocate
25 for ex-offenders; [and]

26 (xii) a representative of the Maryland Chamber of Commerce;

27 **(XIII) A REPRESENTATIVE OF A COMMUNITY ADVOCACY**
28 **ORGANIZATION APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

29 **(XIV) A REPRESENTATIVE OF A COMMUNITY ADVOCACY**
30 **ORGANIZATION APPOINTED BY THE SPEAKER OF THE HOUSE.**

Article – Transportation

1

2 16–303.

3 (k) (1) Except as provided in paragraph (2) of this subsection, a person
4 convicted of a violation of this section is subject to:

5 (i) For a first offense, imprisonment not exceeding 1 year or a fine
6 not exceeding \$1,000 or both; and

7 (ii) For a second or subsequent offense, imprisonment not exceeding
8 2 years or a fine not exceeding \$1,000 or both.

9 (2) (I) A person [convicted of] **CHARGED WITH** a violation of subsection
10 (h) or (i) of this section:

11 [(i) Is subject to a fine not exceeding \$500;

12 (ii)] 1. Must appear in court; and

13 [(iii)] 2. May not prepay the fine.

14 (II) **A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H)**
15 **OR (I) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.