

# HOUSE BILL 577

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HB 883/19 – JUD & HGO

0lr2728

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By: **Delegate Dumais**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary and Health and Government Operations

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## A BILL ENTITLED

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  
25 Section 7–401 and 7–504  
26 Annotated Code of Maryland  
27 (2017 Replacement Volume and 2019 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Criminal Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–601(e)(1), 5–609.1, and 5–620  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume and 2019 Supplement)

4 BY adding to  
5 Article – Criminal Law  
6 Section 5–612.1  
7 Annotated Code of Maryland  
8 (2012 Replacement Volume and 2019 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 6–223, 6–224, and 10–110(a), (b), and (e)  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – State Government  
16 Section 9–3202  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – State Government  
21 Section 9–3207(e)  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Transportation  
26 Section 16–303(k)  
27 Annotated Code of Maryland  
28 (2012 Replacement Volume and 2019 Supplement)

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

31 **Article – Correctional Services**

32 7–401.

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

36 (b) (1) Each individual charged with a parole violation is entitled to be  
37 represented by counsel of the individual's choice or, if eligible, counsel provided by the

1 Public Defender's office.

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

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

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

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

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

11 (2) continuing parole:

12 (i) without modification of its conditions; or

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

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

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

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

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

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

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

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

31 (ii) the parole was revoked due to a finding that the inmate

1 committed a violent crime while on parole.

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

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

9 1. the nature of the parole violation;

10 2. the facts and circumstances of the crime for which the  
11 parolee was convicted; and

12 3. the parolee's history.

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

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

19 2. commit the parolee to the Maryland Department of Health  
20 for treatment under § 8-507 of the Health – General Article.

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

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

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

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

32 7-504.

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

1           (2)    “Technical violation” has the meaning stated in § 6–101 of this article.

2           (3)    “Term of confinement” has the meaning stated in § 3–701 of this article.

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

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

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

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

10                   (iv)   up to all remaining days for a fourth or subsequent technical  
11 violation or a violation that is not a technical 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 on the  
17 revocation of diminution credits for a technical violation established in paragraph (1) of this  
18 subsection are applicable.

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

23                           1.    the nature of the mandatory supervision violation;

24                           2.    the facts and circumstances of the crime for which the  
25 inmate was convicted; and

26                           3.    the inmate’s history.

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

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



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

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

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

8 **5-612.1.**

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

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

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

24           **(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE**  
25 **PROTECTION OF THE PUBLIC.**

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

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

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

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

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

7 5-620.

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

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

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

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

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

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

15           (v) making or issuing a false or counterfeit prescription or written  
16 order; or

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

20           (b) Evidence of circumstances that reasonably indicate an intent to use controlled  
21 paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous  
22 substance unlawfully include the close proximity of the controlled paraphernalia to an  
23 adulterant, diluent, or equipment commonly used to illegally manufacture, administer,  
24 distribute, or dispense controlled dangerous substances, including:

25           (1) a scale;

26           (2) a sieve;

27           (3) a strainer;

28           (4) a measuring spoon;

29           (5) staples;



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

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

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

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

## 18 Article – Criminal Procedure

19 6–223.

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

22 (b) On receipt of written charges, filed under oath, that a probationer or  
23 defendant violated a condition of probation during the period of probation, the District  
24 Court may, during the period of probation or within 30 days after the violation, whichever  
25 is later, issue a warrant or notice requiring the probationer or defendant to be brought or  
26 appear before the judge issuing the warrant or notice:

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

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

30 (c) Pending the hearing or determination of the charge, a circuit court or the

1 District Court may remand the probationer or defendant to a correctional facility or release  
2 the probationer or defendant with or without bail.

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

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

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

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

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

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

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

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

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

22 (i) the nature of the probation violation;

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

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

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

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

32 (ii) commit the probationer or defendant to the Maryland

1 Department of Health for treatment under § 8–507 of the Health – General Article.

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

5 6–224.

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

8 (1) does not impose a sentence;

9 (2) suspends the sentence generally;

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

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

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

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

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

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

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

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

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

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

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

29 (iv) [all or any part of the period of imprisonment imposed in the  
30 original sentence] **ANY UNSERVED PORTION OF THE SENTENCE ORIGINALLY IMPOSED**

1 for a fourth or subsequent technical violation.

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

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

9 1. the nature of the probation violation;

10 2. the facts and circumstances of the crime for which the  
11 defendant was convicted; and

12 3. the defendant's history.

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

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

19 2. commit the defendant to the Maryland Department of  
20 Health for treatment under § 8-507 of the Health – General Article.

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

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

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

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

31 10–110.

32 (a) A person may file a petition listing relevant facts for expungement of a police  
33 record, court record, or other record maintained by the State or a political subdivision of

1 the State if the person is convicted of:

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

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

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

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

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

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

11 (vi) § 5–211 of this article;

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

13 (viii) § 5–601 not involving the use or possession of marijuana, §  
14 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;

15 (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or  
16 § 6–503 of the Criminal Law Article;

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

19 (xi) § 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 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;

22 (xiii) § 10–110, § 10–201, § 10–402, **OR** § 10–404[, or § 10–502] of the  
23 Criminal Law Article;

24 (xiv) § 11–303, § 11–306, § 11–307 of the Criminal Law Article;

25 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §  
26 12–204, § 12–205, or § 12–302 of the Criminal Law Article;

27 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;

28 (xvii) § 4–509 of the Family Law Article;

- 1 (xviii) § 18–215 of the Health – General Article;
- 2 (xix) § 4–411 or § 4–2005 of the Housing and Community Development  
3 Article;
- 4 (xx) § 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 (xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, §  
7 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed  
8 limits for personal watercraft;
- 9 (xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public  
10 Safety Article;
- 11 (xxiii) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;
- 12 (xxiv) § 9–124 of the State Government Article;
- 13 (xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax –  
14 General Article; or
- 15 (xxvi) the common law offenses of affray, rioting, criminal contempt,  
16 battery, or hindering;
- 17 (2) a felony that is a violation of:
- 18 (i) § 7–104 of the Criminal Law Article;
- 19 (ii) the prohibition against possession with intent to distribute a  
20 controlled dangerous substance under § 5–602(2) of the Criminal Law Article; [or]
- 21 (iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or
- 22 **(IV) § 10–502 OF THE CRIMINAL LAW ARTICLE; OR**
- 23 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item  
24 (1) or (2) of this subsection.
- 25 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person  
26 shall file a petition for expungement in the court in which the proceeding began.
- 27 (2) [(i) Except as provided in subparagraph (ii) of this paragraph, if] **IF**  
28 the proceeding began in one court and was transferred to another court, the person shall  
29 file the petition in the court to which the proceeding was transferred.
- 30 [(ii) If the proceeding began in one court and was transferred to the

1 juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in  
2 the court of original jurisdiction from which the order of transfer was entered.]

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

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

8 (e) (1) The court shall have a copy of a petition for expungement served on the  
9 State’s Attorney.

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

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

## 18 Article – State Government

19 9–3202.

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

22 9–3207.

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

26 (2) The Executive Director of the Governor’s Office of Crime Control and  
27 Prevention shall appoint members of the advisory board, subject to the approval of the chair  
28 of the Board.

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

30 (i) a representative of the exclusive representative of the employees  
31 of the Division of Parole and Probation;

32 (ii) a representative of the National Association for the  
33 Advancement of Colored People;

- 1 (iii) a representative of CASA de Maryland;
- 2 (iv) a representative of the American Civil Liberties Union;
- 3 (v) the chair of the Criminal Law and Practice Section of the  
4 Maryland State Bar Association or the chair's designee;
- 5 (vi) a representative of victims of domestic violence;
- 6 (vii) a representative of victims of sexual assault;
- 7 (viii) a representative with clinical experience and expertise in  
8 behavioral health and criminal justice;
- 9 (ix) a representative of the Maryland Retailers Association;
- 10 (x) a representative of an organization whose mission is to develop  
11 and advocate for policies and programs to increase the skills, job opportunities, and incomes  
12 of low-skill, low-income workers and job seekers;
- 13 (xi) a representative of an organization whose mission is to advocate  
14 for ex-offenders; [and]
- 15 (xii) a representative of the Maryland Chamber of Commerce;

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

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

20 **Article – Transportation**

21 16-303.

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

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

26 (ii) For a second or subsequent offense, imprisonment not exceeding  
27 2 years or a fine not exceeding \$1,000 or both.

28 (2) **(I)** A person [convicted of] **CHARGED WITH** a violation of subsection



1 (h) or (i) of this section:

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

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

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

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

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