

SB0222/488039/1

KATB

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 222
(First Reading File Bill - Second Printing)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Haines” and substitute “Haines, and Forehand”.

On page 1, in line 2, strike “Reform” and substitute “Policy”; in line 3, strike “Sentencing and Policy Advisory Commission;” and substitute “Maryland Commission on Criminal Sentencing Policy”; strike beginning with “requiring” in line 9 down through the semicolon in line 10; strike beginning with “establishing” in line 11 down through the second semicolon in line 12 and substitute “making this Act contingent on the inclusion of certain funds in the Capital Budget for Fiscal Year 1997”; and in line 13, strike “Reform” and substitute “Policy”.

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 18 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 27, strike “REFORM” and substitute “POLICY”; and after line 27, insert:

“(4) (I) “DESCRIPTIVE SENTENCING GUIDELINES” MEANS A SENTENCING STRUCTURE THAT REFLECTS THE ACTUAL SENTENCING PRACTICES OF JUDGES IN THE STATE OVER A SPECIFIED PERIOD.

“(II) “DESCRIPTIVE SENTENCING GUIDELINES” INCLUDES THE CURRENT MARYLAND SENTENCING GUIDELINES.

“(5) “GOOD TIME CREDITS” MEANS DEDUCTIONS FROM AN INMATE’S TERM OF CONFINEMENT UNDER ARTICLE 27, § 700(D) OF THE CODE.

(Over)

(6) (I) “GUIDED DISCRETION SENTENCING GUIDELINES” MEANS A SENTENCING STRUCTURE THAT INCLUDES:

1. ELEMENTS OF DETERMINANT SENTENCING THAT BRING GREATER LEVELS OF RATIONALITY AND UNIFORMITY TO THE SENTENCING PROCESS (SUCH AS PRESUMPTIVE OR ORDINARY SENTENCES); AND

2. ELEMENTS OF DISCRETIONARY SENTENCING THAT ALLOW A JUDGE TO IMPOSE A SENTENCE THAT IS FAIR AND JUST UNDER THE CIRCUMSTANCES OF A PARTICULAR CASE (SUCH AS THE ABILITY TO DEPART FROM A PRESUMPTIVE OR ORDINARY SENTENCE UNDER CERTAIN SPECIFIED CIRCUMSTANCES).

(II) “GUIDED DISCRETION SENTENCING GUIDELINES” DOES NOT INCLUDE THE FEDERAL SENTENCING GUIDELINES OR ANY SIMILAR TYPE OF MECHANICAL SENTENCING STRUCTURE.”;

in line 28, strike “(4)” and substitute “(7)”; and after line 30, insert:

“(8) “MANDATORY SUPERVISION” HAS THE MEANING STATED IN ARTICLE 41, § 4-501(13) OF THE CODE.

(9) “PAROLE” HAS THE MEANING STATED IN ARTICLE 41, § 4-501(5) OF THE CODE.”.

AMENDMENT NO. 3

On page 2, in line 32, strike “REFORM” and substitute “POLICY”; and in line 33, strike “33” and substitute “17”.

On page 3, in line 1, strike “TWO JUDGES” and substitute “ONE JUDGE”; in the same line, strike “THE” and substitute “A”; in line 2, strike “GOVERNOR” and substitute “CHIEF JUDGE OF THE COURT OF APPEALS”; in line 3, strike “TWO JUDGES” and substitute “ONE JUDGE”; in line 4, strike “GOVERNOR” and substitute “CHIEF JUDGE OF THE COURT OF APPEALS”; in line 7, strike “TWO” and substitute “ONE”; in the same line, strike “ATTORNEYS” and substitute “ATTORNEY”; in the same line, strike “ARE” and substitute “IS”; in lines 15 and 18, strike “THREE” and substitute “TWO”; strike in their entirety lines 21 and 22; in line 23, strike “(12)” and substitute “(11)”; and after line 24 insert:

“(12) ONE REPRESENTATIVE OF LOCAL DETENTION CENTERS, APPOINTED BY THE GOVERNOR;

(13) ONE REPRESENTATIVE OF VICTIM ADVOCACY GROUPS OR VICTIM ORGANIZATIONS, APPOINTED BY THE GOVERNOR; AND”.

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 6 on page 4, inclusive.

On page 4, in line 7, strike “(23)” and substitute “(14)”.

AMENDMENT NO. 4

On page 4, in line 16, strike “ELEVEN” and substitute “SIX”; in line 26, after “STATE” insert “, COUNTY, AND MUNICIPAL”; in line 27, strike “IT IS”; strike in their entirety lines 28 through 30, inclusive; in line 31, strike “(9)” and substitute “(8)”; in lines 32 and 33, strike “THE FEDERAL OR STATE GOVERNMENT OR AGENCY OR”; in line 33, strike “OTHER”; in line 35, strike “(10)” and substitute “(9)”; and after line 38, insert:

“(10) THE COMMISSION SHALL HOLD A PUBLIC HEARING FOR THE PURPOSE OF HEARING COMMENTS FROM THE GENERAL PUBLIC CONCERNING THE ISSUES THAT ARE BEING STUDIED BY THE COMMISSION.” .

AMENDMENT NO. 5

On page 5, strike in their entirety lines 1 through 7, inclusive, and substitute:

“(E) (1) THE PRIMARY STAFF FOR THE COMMISSION SHALL BE SELECTED JOINTLY BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE, AND THE CHIEF JUDGE OF THE COURT OF APPEALS.

(2) THE FOLLOWING STATE AGENCIES SHALL COOPERATE FULLY WITH THE COMMISSION:

(I) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND

(Over)

PREVENTION;

(II) THE DEPARTMENT OF LEGISLATIVE REFERENCE;

(III) THE DEPARTMENT OF FISCAL SERVICES;

(IV) THE ADMINISTRATIVE OFFICE OF THE COURTS;

(V) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

(VI) THE DEPARTMENT OF BUDGET AND FISCAL PLANNING;

(VII) THE DEPARTMENT OF JUVENILE JUSTICE;

(VIII) THE DEPARTMENT OF STATE POLICE; AND

(IX) THE STATE BOARD OF VICTIM SERVICES.

(3) ALL COUNTY AND MUNICIPAL GOVERNMENTS AND AGENCIES SHALL COOPERATE FULLY WITH THE COMMISSION.”.

AMENDMENT NO. 6

On page 5, in line 10, after the first “THE” insert “GOVERNOR AND THE”; and in lines 10 and 11, strike “IN ACCORDANCE WITH THE POLICY GOALS AND OBJECTIVES OF THIS SUBSECTION” and substitute “REGARDING THE FOLLOWING ISSUES:”

(I) WHETHER DESCRIPTIVE SENTENCING GUIDELINES SHOULD BE RETAINED BY THE STATE AS A SENTENCING STRUCTURE, EITHER IN THEIR CURRENT FORM OR IN A MODIFIED FORM;

(II) WHETHER THE STATE SHOULD ADOPT GUIDED DISCRETION SENTENCING GUIDELINES AND, IF SO, WHAT TYPE OF GUIDED DISCRETION SENTENCING GUIDELINES SHOULD BE ADOPTED;

(III) WHETHER THE STATE SHOULD RETAIN PAROLE AS A CORRECTIONAL OPTION OR ELIMINATE PAROLE FOR ALL INMATES OR ANY PARTICULAR CATEGORY OF INMATES;

(IV) WHETHER THE STATE SHOULD INCREASE THE MINIMUM PORTION OF A SENTENCE THAT MUST BE SERVED BY ALL INMATES OR ANY PARTICULAR CATEGORY OF INMATES BEFORE BECOMING ELIGIBLE FOR PAROLE;

(V) WHETHER THE STATE SHOULD ELIMINATE GOOD TIME CREDITS OR OTHERWISE ALTER THE MANNER IN WHICH AN INMATE MAY OBTAIN RELEASE ON MANDATORY SUPERVISION;

(VI) WHETHER THE STATE NEEDS TO TAKE ACTION TO ENSURE THAT THERE IS A COORDINATED SYSTEM OF INTERMEDIATE PUNISHMENTS AT THE STATE AND COUNTY LEVELS AND, IF SO, WHAT ACTION SHOULD BE TAKEN; AND

(VII) ANY OTHER MATTER RELATING TO STATE AND LOCAL LAWS AND POLICIES GOVERNING SENTENCING, PAROLE, MANDATORY SUPERVISION, AND INTERMEDIATE PUNISHMENTS”.

AMENDMENT NO. 7

On pages 5 and 6, strike in their entirety the lines beginning with line 12 on page 5 through line 33 on page 6, inclusive.

On page 6, in line 34, strike “(I)”;

in line 35, strike “PREDICT” and substitute “ASSIST IN DETERMINING”;

in line 36, after “RESOURCES” insert “THAT ARE”;

in the same line, strike “SENTENCING PRACTICES” and substitute “LAWS, POLICIES, AND PRACTICES RELATING TO SENTENCING, PAROLE, AND MANDATORY SUPERVISION”;

and in line 37, after “THOSE” insert “RESOURCES THAT WOULD BE”.

AMENDMENT NO. 8

On pages 6 through 10, strike in their entirety the lines beginning with line 38 on page 6 through line 5 on page 10, inclusive.

On page 10, in line 6, strike “(H)” and substitute “(G)(1)”; in line 7, strike “IN THE FORM OF DRAFT LEGISLATION”; after line 8, insert:

“(2) THE COMMISSION’S FINAL REPORT SHALL INCLUDE A DETAILED RATIONALE FOR EACH OF ITS RECOMMENDATIONS.

“(3) THE COMMISSION MAY DRAFT LEGISLATION RELATING TO ANY RECOMMENDATION THAT REQUIRES A MODIFICATION OF CURRENT LAW OR OTHERWISE REQUIRES THE ENACTMENT OF A STATUTE.”;

and in line 9, strike “(I)” and substitute “(H)”.

AMENDMENT NO. 9

On page 10, after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the authorization of planning, design, and site work funds in the amount of \$1 million for the Western Maryland Correctional Institution, Housing Unit Number 5, 384 beds, in the Fiscal Year 1997 Capital Budget (Senate Bill 296/House Bill 349) that is enacted into law in 1996. If the Fiscal Year 1997 Capital Budget that is enacted into law in 1996 does not include an authorization of planning, design, and site work funds in the amount of \$1 million for the Western Maryland Correctional Institution, Housing Unit Number 5, 384 beds, this Act is null and void without the necessity of any further action by the General Assembly.”;

in line 11, strike “2.” and substitute “3.”; and in the same line, after “That” insert “, subject to Section 2 of this Act.”.