

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 299

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through the second semicolon in line 12 and substitute “establishing certain procedures, powers, and duties; establishing the purposes and objectives of the Commission; requiring the Commission to develop a correctional population simulation model for certain purposes; requiring the Commission to submit a certain report; making this Act subject to a certain contingency; defining certain terms;”.

On pages 1 and 2, strike beginning with line 19 on page 1 through line 18 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 28, strike “INTERMEDIATE PUNISHMENT” and substitute “CORRECTIONAL OPTIONS PROGRAM”; and after line 30, insert:

“(5) (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.

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

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

(Over)

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.

(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 33, strike "33" and substitute "18".

On page 3, in line 1, strike "TWO JUDGES" and substitute "ONE JUDGE"; 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 DISTRICT COURT"; 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"; strike in their entirety lines 21 and 22; and in line 23, strike "(12)" and substitute "(11)".

On pages 3 and 4, strike beginning with line 25 on page 3 through line 11 on page 4, inclusive, and substitute:

“(12) ONE REPRESENTATIVE FROM A VICTIM’S ADVOCACY GROUP, APPOINTED BY THE GOVERNOR;

(13) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, APPOINTED BY THE GOVERNOR; AND

(14) ONE MEMBER WITH A BACKGROUND IN CRIMINAL JUSTICE OR CORRECTIONS POLICY WHO IS A RECOGNIZED EXPERT IN THE FIELD, APPOINTED BY THE GOVERNOR.”.

AMENDMENT NO. 4

On page 4, in line 16, strike “ELEVEN” and substitute “SIX”; in line 22, strike “COMPOSED OF COMMISSION MEMBERS”; in line 26, after “STATE” insert “, COUNTY, AND MUNICIPAL”; in line 27, strike “IT IS”; strike 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”; and in line 35, strike “(10)” and substitute “(9)”.

AMENDMENT NO. 5

On page 5, strike lines 3 through 7, inclusive, and substitute:

“(2) THE FOLLOWING STATE AGENCIES SHALL PROVIDE STAFF AND COOPERATE FULLY WITH THE COMMISSION:

(I) THE DEPARTMENT OF LEGISLATIVE REFERENCE;

(II) THE DEPARTMENT OF FISCAL SERVICES;

(III) THE ADMINISTRATIVE OFFICE OF THE COURTS;

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

(V) THE DEPARTMENT OF BUDGET AND FISCAL PLANNING.

(3) ALL COUNTY AND MUNICIPAL GOVERNMENTS AND STATE 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 CORRECTIONAL OPTIONS PROGRAMS 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 CORRECTIONAL OPTIONS PROGRAMS”.

AMENDMENT NO. 7

On page 5, strike in their entirety lines 12 through 23, inclusive; in line 24, strike “(3)” and substitute “(2)”; strike beginning with “ITS” in line 24 down through “AND” in line 25 and substitute “THE FOLLOWING”; strike in their entirety lines 26 through 28, inclusive, and substitute:

“(I) PROMOTE SENTENCING THAT MORE ACCURATELY REFLECTS THE TIME THAT AN OFFENDER WILL ACTUALLY BE INCARCERATED;”;

and in line 36, after “SENTENCES;” insert “AND”.

On page 6, strike beginning with “BY” in line 1 down through “PUNISHMENTS” in line 2 and substitute “, INCLUDING CORRECTIONAL OPTIONS PROGRAMS”; in line 2, after “APPROPRIATE” insert “NONVIOLENT”; and in the same line, strike the semicolon and substitute a period.

AMENDMENT NO. 8

On page 6, strike in their entirety lines 3 through 33, inclusive; in line 34, strike “(2)” and substitute “(3)”; in line 35, strike “PREDICT” and substitute “ASSIST IN DETERMINING”; in line 36, after “RESOURCES” insert “THAT:

1. ARE”;

in lines 36 and 37, strike “SENTENCING PRACTICES AND THOSE” and substitute “LAWS, POLICIES, AND PRACTICES RELATING TO SENTENCING, PAROLE, AND MANDATORY SUPERVISION; AND

2. WOULD BE”;

and after line 37, insert:

“(II) IF THE COMMISSION’S RECOMMENDATIONS WOULD RESULT IN STATE AND LOCAL INMATE POPULATIONS THAT WOULD EXCEED THE

OPERATING CAPACITIES OF AVAILABLE FACILITIES, THEN THE COMMISSION SHALL PRESENT ADDITIONAL SENTENCING MODEL ALTERNATIVES CONSISTENT WITH THESE CAPACITIES.”.

AMENDMENT NO. 9

On pages 6 through 10, strike 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)”; in line 7, strike “IN THE FORM OF DRAFT LEGISLATION”; in the same line, before “GENERAL” insert “GOVERNOR AND THE”; and in line 9, strike “(I)” and substitute “(H)”.

AMENDMENT NO. 10

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.”.