
By: The Speaker (Administration) and Delegates Genn, Doory, Preis, Harkins, Perry, Jacobs, E. Burns, Hutchins, D. Murphy, M. Burns, O'Donnell, Valderrama, Bissett, Turner, Finifter, Pitkin, and Morhaim

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Commission on Criminal Sentencing Reform**

3 FOR the purpose of creating a Sentencing and Policy Advisory Commission; providing for
4 the appointment or designation of members of the Commission; establishing that
5 members of the Commission may not receive a salary but shall be reimbursed for
6 certain expenses; designating staff for the Commission; requiring the Commission to
7 hold its first meeting by a certain date; requiring the Commission to perform certain
8 duties; granting the Commission certain powers; requiring the Commission to make
9 certain recommendations; requiring the Commission to submit certain draft
10 legislation to the General Assembly by a certain date; providing for the termination
11 of the Commission; defining certain terms; establishing certain policy goals and
12 objectives; providing for the application of the established policies; and generally
13 relating to the Maryland Commission on Criminal Sentencing Reform.

14 BY adding to

15 Article 41 - Governor - Executive and Administrative Departments
16 Section 18-310
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1995 Supplement)

19 Preamble

20 WHEREAS, The effective administration of justice and protection of public
21 safety require a sentencing and correctional process that has credibility with the general
22 public and with criminal offenders; and

23 WHEREAS, The credibility and effectiveness of the current sentencing and
24 correctional process is diminished by common beliefs that prisoners do not serve an
25 adequate portion of their sentences, that traditional probation and parole supervision are
26 not meaningful punishments, and that there is substantial unwarranted disparity in
27 sentences for similar crimes; and

28 WHEREAS, Over the past 10 years, the Maryland prison population has grown 72
29 percent, from 12,400 to 21,300 inmates, at a cost of more than \$465 million in capital

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1 funds and more than \$206 million annually in operating funds, and a substantial portion
2 of the growth has been low-level, nonviolent offenders and probation violators; and

3 WHEREAS, The criminal justice system often fails to adequately consider the
4 rights and concerns of victims of crime, and to require offenders to restore to the fullest
5 extent possible the damages they have inflicted on individuals and the community; and

6 WHEREAS, There exist effective intermediate punishments, such as boot camps
7 and home detention, which protect public safety, which serve to punish and incapacitate
8 offenders, which hold offenders accountable to crime victims and the community, and
9 which, because of their emphasis on discipline and the work ethic, are perceived by many
10 offenders to be stricter punishment than incarceration; and

11 WHEREAS, The insufficient availability of intermediate punishments throughout
12 the State means that some offenders receive sentences that are too lenient while other
13 offenders occupy prison space that should be used to lengthen sentences for violent
14 offenders; and

15 WHEREAS, The development of a sentencing structure that provides for a full
16 continuum of intermediate punishments and sufficient determinacy in sentencing is
17 essential to the most effective allocation of correctional resources for the protection of
18 public safety; now, therefore

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

21 **Article 41 - Governor - Executive and Administrative Departments**

22 18-310.

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

25 (2) "CHAIRPERSON" MEANS THE CHAIRPERSON OF THE COMMISSION.

26 (3) "COMMISSION" MEANS THE MARYLAND COMMISSION ON CRIMINAL
27 SENTENCING REFORM.

28 (4) "INTERMEDIATE PUNISHMENT" MEANS A CRIMINAL SANCTION
29 OTHER THAN TRADITIONAL PROBATION, TRADITIONAL PAROLE, OR TOTAL
30 CONFINEMENT.

31 (B) THERE IS A MARYLAND COMMISSION ON CRIMINAL SENTENCING
32 REFORM.

33 (C) THE COMMISSION SHALL CONSIST OF 33 MEMBERS AS FOLLOWS:

34 (1) A CHAIRPERSON, APPOINTED BY THE GOVERNOR;

35 (2) THE CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS OR A
36 DESIGNEE OF THE CHIEF JUDGE WHO IS A JUDGE OR FORMER JUDGE ON THE
37 MARYLAND COURT OF APPEALS OR THE MARYLAND COURT OF SPECIAL APPEALS;

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1 (3) TWO JUDGES OF THE CIRCUIT COURT OF MARYLAND, APPOINTED
2 BY THE GOVERNOR;

3 (4) TWO JUDGES OF THE DISTRICT COURT OF MARYLAND, APPOINTED
4 BY THE GOVERNOR;

5 (5) THE ATTORNEY GENERAL OR A DESIGNEE OF THE ATTORNEY
6 GENERAL;

7 (6) TWO STATE'S ATTORNEYS WHO ARE RECOMMENDED BY THE
8 PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS ASSOCIATION, APPOINTED BY
9 THE GOVERNOR;

10 (7) THE MARYLAND PUBLIC DEFENDER OR A DESIGNEE OF THE PUBLIC
11 DEFENDER;

12 (8) A CRIMINAL DEFENSE ATTORNEY WHO IS RECOMMENDED BY THE
13 PRESIDENT OF THE MARYLAND CRIMINAL DEFENSE LAWYERS ASSOCIATION,
14 APPOINTED BY THE GOVERNOR;

15 (9) THREE MEMBERS OF THE SENATE OF MARYLAND WITH AT LEAST
16 ONE MEMBER BEING FROM THE SENATE JUDICIAL PROCEEDINGS COMMITTEE,
17 APPOINTED BY THE PRESIDENT OF THE SENATE;

18 (10) THREE MEMBERS OF THE HOUSE OF DELEGATES WITH AT LEAST
19 ONE MEMBER BEING FROM THE HOUSE JUDICIARY COMMITTEE, APPOINTED BY THE
20 SPEAKER OF THE HOUSE;

21 (11) THE PRESIDENT OF THE MARYLAND CORRECTIONAL
22 ADMINISTRATORS ASSOCIATION OR A DESIGNEE OF THE PRESIDENT;

23 (12) THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND
24 CORRECTIONAL SERVICES OR A DESIGNEE OF THE SECRETARY;

25 (13) THE SECRETARY OF THE DEPARTMENT OF BUDGET AND FISCAL
26 PLANNING OR A DESIGNEE OF THE SECRETARY;

27 (14) THE CHAIRPERSON OF THE MARYLAND PAROLE COMMISSION OR A
28 DESIGNEE OF THE CHAIRPERSON;

29 (15) THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE OR A
30 DESIGNEE OF THE SECRETARY;

31 (16) THE CHAIRPERSON OF THE STATE BOARD OF VICTIM SERVICES OR
32 A DESIGNEE OF THE CHAIRPERSON;

33 (17) TWO REPRESENTATIVES FROM SEPARATE VICTIMS' ADVOCACY
34 GROUPS OR VICTIMS' ORGANIZATIONS, APPOINTED BY THE GOVERNOR;

35 (18) THE SECRETARY OF THE STATE POLICE OR A DESIGNEE OF THE
36 SECRETARY;

37 (19) THE PRESIDENT OF THE MARYLAND SHERIFF'S ASSOCIATION OR A
38 DESIGNEE OF THE PRESIDENT;

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1 (20) THE PRESIDENT OF THE MARYLAND CHIEFS OF POLICE OR A
2 DESIGNEE OF THE PRESIDENT;

3 (21) THE PRESIDENT OF THE FRATERNAL ORDER OF POLICE,
4 MARYLAND STATE LODGE, OR A DESIGNEE OF THE PRESIDENT;

5 (22) TWO MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE
6 GOVERNOR; AND

7 (23) TWO MEMBERS WITH BACKGROUNDS IN CRIMINAL JUSTICE OR
8 CORRECTIONS POLICY WHO ARE EITHER A MEMBER OF THE FACULTY OF A
9 COLLEGE OR UNIVERSITY WITHIN THIS STATE, A MEMBER OF A NONPROFIT PUBLIC
10 POLICY RESEARCH ORGANIZATION, OR OTHER RECOGNIZED EXPERT IN THE FIELD,
11 APPOINTED BY THE GOVERNOR.

12 (D) (1) THE COMMISSION SHALL HAVE ITS FIRST MEETING NO LATER THAN
13 JUNE 14, 1996, AT THE CALL OF THE CHAIRPERSON.

14 (2) THE COMMISSION SHALL MEET AT LEAST SIX TIMES.

15 (3) THE COMMISSION MAY ALSO HOLD OTHER MEETINGS AT THE CALL
16 OF THE CHAIRPERSON OR OF ANY ELEVEN MEMBERS OF THE COMMISSION AFTER
17 PROPER NOTICE IS GIVEN IN THE MANNER ESTABLISHED BY THE RULES OF THE
18 COMMISSION.

19 (4) A MAJORITY OF THE MEMBERS OF THE COMMISSION SHALL
20 CONSTITUTE A QUORUM.

21 (5) THE COMMISSION MAY ESTABLISH SUBCOMMITTEES OR ADVISORY
22 COMMITTEES COMPOSED OF COMMISSION MEMBERS TO ACCOMPLISH THE DUTIES
23 IMPOSED BY THIS SECTION.

24 (6) THE COMMISSION MAY ESTABLISH RULES GOVERNING THE
25 ADMINISTRATION AND PROCEEDINGS OF THE COMMISSION.

26 (7) THE COMMISSION MAY REQUIRE STATE AGENCIES TO PROVIDE
27 DATA AS IT IS REQUESTED BY THE COMMISSION.

28 (8) ALL MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC
29 AND THE INFORMATION PRESENTED TO THE COMMISSION SHALL BE AVAILABLE TO
30 ANY STATE AGENCY OR MEMBER OF THE GENERAL ASSEMBLY.

31 (9) THE COMMISSION MAY APPLY FOR, ACCEPT, AND USE GRANTS OR
32 FINANCIAL OR OTHER AID FROM THE FEDERAL OR STATE GOVERNMENT OR
33 AGENCY OR ANY OTHER PUBLIC OR PRIVATE SOURCE TO ACCOMPLISH THE DUTIES
34 PROVIDED FOR IN THIS SECTION.

35 (10) A MEMBER OF THE COMMISSION:

36 (I) MAY NOT RECEIVE COMPENSATION; BUT

37 (II) SHALL BE REIMBURSED FOR EXPENSES UNDER THE
38 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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1 (E) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
2 SHALL SERVE AS PRINCIPAL STAFF TO THE COMMISSION.

3 (2) THE DEPARTMENT OF LEGISLATIVE REFERENCE, THE DEPARTMENT
4 OF FISCAL SERVICES, THE ADMINISTRATIVE OFFICE OF THE COURTS, THE
5 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND THE
6 DEPARTMENT OF BUDGET AND FISCAL PLANNING SHALL PROVIDE STAFF TO
7 COMMISSION.

8 (F) (1) THE PURPOSE OF THE COMMISSION IS TO EVALUATE THE STATE'S
9 SENTENCING AND CORRECTIONAL LAWS AND POLICIES AND MAKE
10 RECOMMENDATIONS TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE
11 POLICY GOALS AND OBJECTIVES OF THIS SUBSECTION.

12 (2) THE GOALS OF THE SENTENCING AND CORRECTIONAL PROCESS
13 ARE:

14 (I) JUST AND APPROPRIATE PUNISHMENT OF OFFENDERS;

15 (II) PROTECTION OF PUBLIC SAFETY AND PREVENTION OF CRIME
16 THROUGH:

17 1. GENERAL AND SPECIFIC DETERRENCE OF CRIMINAL
18 CONDUCT;

19 2. INCAPACITATION OF OFFENDERS; AND

20 3. REMEDIATION OF OFFENDERS;

21 (III) RESTORATION OF CRIME VICTIMS AND THE COMMUNITY; AND

22 (IV) PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE
23 AND RESPECT FOR THE LAW.

24 (3) THE SENTENCING AND CORRECTIONAL PROCESS SHALL PURSUE ITS
25 POLICY GOALS THROUGH THE FOLLOWING PRIORITIES AND OBJECTIVES:

26 (I) PROMOTE TRUTH IN SENTENCING THROUGH A SENTENCING
27 STRUCTURE THAT ENSURES THAT THE SENTENCES IMPOSED WILL DETERMINE THE
28 SENTENCES SERVED;

29 (II) CONCENTRATE PRISON CAPACITY ON THE INCARCERATION OF
30 VIOLENT AND CAREER OFFENDERS;

31 (III) REDUCE UNWARRANTED DISPARITY IN SENTENCES FOR
32 OFFENDERS WHO HAVE COMMITTED SIMILAR OFFENSES AND HAVE SIMILAR
33 CRIMINAL HISTORIES;

34 (IV) PRESERVE MEANINGFUL JUDICIAL DISCRETION IN THE
35 IMPOSITION OF SENTENCES AND SUFFICIENT FLEXIBILITY TO PERMIT
36 INDIVIDUALIZED SENTENCES;

37 (V) ENSURE THAT SENTENCING JUDGES IN EVERY JURISDICTION
38 IN THE STATE ARE ABLE TO IMPOSE THE MOST APPROPRIATE CRIMINAL PENALTIES

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1 BY DEVELOPING A FULL CONTINUUM OF CREDIBLE SANCTIONS, INCLUDING
2 INTERMEDIATE PUNISHMENTS FOR APPROPRIATE OFFENDERS;

3 (VI) ENSURE THE CREDIBILITY AND EFFECTIVENESS OF
4 INTERMEDIATE PUNISHMENTS THROUGH STRICT ENFORCEMENT OF SENTENCE
5 CONDITIONS AND ENHANCED INTERAGENCY COORDINATION;

6 (VII) ELEVATE THE SIGNIFICANCE OF VICTIMS OF CRIME AND THE
7 IMPACT OF CRIME ON VICTIMS AND THE COMMUNITY THROUGH INCREASED
8 NOTIFICATION AND PARTICIPATION PROCEDURES, INCREASED EMPHASIS ON
9 RESTITUTION PAYMENTS AND COMMUNITY SERVICE AS CRIMINAL SANCTIONS, AND
10 IMPLEMENTATION OF OTHER CONCEPTS OF "RESTORATIVE JUSTICE";

11 (VIII) INCREASE THE USE AND ENFORCEMENT OF ECONOMIC
12 SANCTIONS, SUCH AS FEES, FORFEITURES, AND MEANS-BASED FINES, TO BE
13 COLLECTED AFTER RESTITUTION PAYMENTS TO VICTIMS ARE MADE IN FULL; AND

14 (IX) ENSURE A RESPONSIBLE RELATIONSHIP BETWEEN SENTENCES
15 AND CORRECTIONAL RESOURCES.

16 (G) (1) THE COMMISSION SHALL GATHER DATA AND OTHER AVAILABLE
17 INFORMATION RELEVANT TO STATE SENTENCING PATTERNS AND PRACTICES,
18 INCLUDING:

19 (I) THE DISTRIBUTION AND MEDIAN AVERAGE OF CURRENT
20 SENTENCES IMPOSED FOR EACH CRIMINAL OFFENSE;

21 (II) THE DISTRIBUTION AND MEDIAN AVERAGE OF CURRENT
22 SENTENCES SERVED FOR EACH CRIMINAL OFFENSE;

23 (III) TRENDS IN THE GROWTH OF THE CORRECTIONAL
24 POPULATION, INCARCERATION RATES, AND CORRECTIONAL COSTS;

25 (IV) TRENDS IN THE DEMOGRAPHIC AND OFFENSE PROFILE OF
26 INCARCERATED OFFENDERS, INCLUDING TRENDS IN INMATES' MOST SERIOUS
27 CURRENT CONVICTION OFFENSE;

28 (V) THE PREVALENCE OF INTERMEDIATE PUNISHMENTS IN
29 JURISDICTIONS THROUGHOUT THE STATE, AND THE NUMBER OF OFFENDERS
30 ASSIGNED TO SUCH SANCTIONS; AND

31 (VI) TRENDS IN REPORTED CRIME AND CRIME RATES, ARRESTS
32 AND ARREST RATES, CONVICTIONS AND CONVICTION RATES, AND VICTIMIZATION
33 RATES.

34 (2) (I) THE COMMISSION SHALL DEVELOP A CORRECTIONAL
35 POPULATION SIMULATION MODEL TO PREDICT THE STATE AND LOCAL
36 CORRECTIONAL RESOURCES REQUIRED UNDER CURRENT SENTENCING PRACTICES
37 AND THOSE REQUIRED TO IMPLEMENT THE COMMISSION'S RECOMMENDATIONS.

38 (II) THE COMMISSION SHALL APPLY THE MODEL TO A GIVEN FACT
39 SITUATION OR THEORETICAL CHANGE IN THE SENTENCING LAWS OR POLICIES

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1 WHEN REQUESTED TO DO SO BY THE CHAIRPERSON OR THE COMMISSION AS A
2 WHOLE.

3 (III) THE CHAIRPERSON SHALL MAKE THE MODEL AVAILABLE TO
4 RESPOND TO ANY INQUIRY FROM A STATE LEGISLATOR OR FROM THE SECRETARY
5 OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

6 (3) THE COMMISSION SHALL DEVELOP AND RECOMMEND A
7 STRUCTURED SENTENCING MODEL CONSISTENT WITH THE POLICY GOALS AND
8 OBJECTIVES PROVIDED IN SUBSECTION (F) OF THIS SECTION FOR USE BY
9 SENTENCING COURTS AND CORRECTIONAL AGENCIES IN DETERMINING THE MOST
10 APPROPRIATE SENTENCE TO BE IMPOSED ON A CRIMINAL OFFENDER. IN
11 DEVELOPING THE STRUCTURED SENTENCING MODEL, THE COMMISSION SHALL:

12 (I) DEVELOP FOR EACH CRIMINAL OFFENSE A STANDARD RANGE
13 OF SENTENCES TO BE IMPOSED ON AND SERVED BY ORDINARY OFFENDERS IN
14 ORDINARY CASES, SUBJECT TO THE FOLLOWING:

15 1. STANDARD SENTENCE RANGES SHALL BE BASED ON THE
16 GRAVITY OF THE CONVICTION OFFENSE, WITH ADJUSTMENT FOR THE OFFENDER'S
17 CRIMINAL HISTORY;

18 2. THE BREADTH OF THE STANDARD SENTENCE RANGES
19 SHALL BE DEFINED SO AS TO AVOID UNWARRANTED DISPARITIES IN SENTENCES
20 AND TO PERMIT REASONABLY ACCURATE FORECASTS OF THE AGGREGATE OF
21 SENTENCING DECISIONS FOR PURPOSES OF CORRECTIONAL RESOURCE PLANNING;

22 3. EACH STANDARD SENTENCE RANGE SHALL SPECIFY THE
23 APPROPRIATE LEVEL OF SEVERITY OF SENTENCE AND THE PERMISSIBLE TYPES OF
24 SANCTIONS;

25 4. PERMISSIBLE TYPES OF SANCTIONS SHALL INCLUDE, BUT
26 NOT BE LIMITED TO: TOTAL CONFINEMENT; INTERMITTENT CONFINEMENT; BOOT
27 CAMP OR SHOCK INCARCERATION; HOME DETENTION WITH OR WITHOUT
28 ELECTRONIC MONITORING; RESIDENTIAL OR OUTPATIENT DRUG AND ALCOHOL
29 TREATMENT WITH MANDATORY URINALYSIS; RESIDENTIAL WORK RELEASE; WORK
30 RELEASE WITH ELECTRONIC MONITORING; RESTITUTION CENTERS; DAY OR NIGHT
31 REPORTING CENTERS; ECONOMIC SANCTIONS, INCLUDING VICTIM RESTITUTION,
32 COMMUNITY SERVICE, AND DAY FINES; ACKNOWLEDGMENT SANCTIONS,
33 INCLUDING PAID NOTICES ANNOUNCING CONVICTIONS; INTENSIVE SUPERVISION,
34 SUPERVISED OR UNSUPERVISED PROBATION WITH OR WITHOUT CONDITIONS; AND

35 5. RESTITUTION TO VICTIMS, COMMUNITY SERVICES, OR
36 OTHER VICTIM COMPENSATION SHALL BE A PERMISSIBLE SANCTION IN ALL CASES;

37 (II) CLASSIFY EACH TYPE OF SANCTION ACCORDING TO ITS
38 RELATIVE LEVEL OF SEVERITY AND RELATIVE EMPHASIS ON THE GOALS OF
39 PUNISHMENT, GENERAL DETERRENCE, SPECIFIC DETERRENCE, REMEDIATION,
40 INCAPACITATION AND RESTITUTION TO FACILITATE THE IMPOSITION OF
41 COMPOSITE AND INDIVIDUALIZED SENTENCES;

1 (III) DEVELOP CRITERIA AND PROCEDURES FOR THE IMPOSITION
2 OF SENTENCES OUTSIDE THE STANDARD SENTENCE RANGES IN CASES WHERE
3 THERE ARE SUBSTANTIAL AND COMPELLING REASONS JUSTIFYING DEPARTURE.
4 SUCH CRITERIA SHALL INCLUDE:

- 5 1. AGGRAVATING FACTORS;
- 6 2. MITIGATING FACTORS;
- 7 3. TIME ELAPSED SINCE AN OFFENDER'S MOST RECENT
8 PRIOR CONVICTION OR RELEASE FROM PRISON;
- 9 4. ACKNOWLEDGMENT OF RESPONSIBILITY;
- 10 5. COOPERATION WITH THE PROSECUTION; AND
- 11 6. OTHER PERSONAL CHARACTERISTICS OF INDIVIDUAL
12 OFFENDERS THAT SHOULD BE TAKEN INTO ACCOUNT, SUCH AS ECONOMIC
13 CIRCUMSTANCES;

14 (IV) PROVIDE A STATEMENT ESTIMATING THE EFFECT OF THE
15 RECOMMENDED STRUCTURED SENTENCING MODEL ON STATE AND LOCAL
16 CORRECTIONAL POPULATIONS, BOTH IN TERMS OF FISCAL IMPACT AND NUMBERS
17 OF OFFENDERS. IF THE COMMISSION FINDS THAT THE PROPOSED SENTENCING
18 STRUCTURE WOULD RESULT IN STATE AND LOCAL INMATE POPULATIONS THAT
19 EXCEED THE OPERATING CAPACITIES OF AVAILABLE FACILITIES, THEN THE
20 COMMISSION SHALL PRESENT AN ADDITIONAL STRUCTURE THAT SHALL BE
21 CONSISTENT WITH SUCH CAPACITIES;

22 (V) REVIEW AND RECOMMEND, IF NECESSARY, REVISIONS TO
23 PROCEDURES RELATING TO THE IMPOSITION OF SENTENCE, INCLUDING
24 STATEMENTS OR SUMMARIES OF FACT, STATEMENTS OF THE PRECISE TERMS OF
25 SENTENCES IMPOSED, AND REASONS FOR THE SELECTION OF THE LEVEL OF
26 SEVERITY AND TYPES OF SANCTIONS IMPOSED;

27 (VI) DEVELOP PROCEDURES FOR APPELLATE REVIEW OF
28 DEPARTURE SENTENCES AT THE INITIATIVE OF THE OFFENDER OR THE
29 PROSECUTOR;

30 (VII) REVIEW AND RECOMMEND, IF NECESSARY, REVISIONS TO
31 STANDARDS RELATING TO THE CONTENTS, PREPARATION, AND SUBSTANTIATION
32 OF PRESENTENCE REPORTS;

33 (VIII) DEVELOP GUIDELINES AND PROCEDURES, INCLUDING
34 ADMINISTRATIVE ACTION, FOR THE SWIFT AND CERTAIN IMPOSITION OF
35 REGRESSIVE SANCTIONS FOR VIOLATIONS OF SENTENCE CONDITIONS AND
36 PROGRESSIVE INCENTIVES FOR COMPLIANCE;

37 (IX) DEVISE A SYSTEM OF BEHAVIORAL INCENTIVES AND
38 DISINCENTIVES FOR INCARCERATED OFFENDERS THAT ELIMINATES
39 DISCRETIONARY PAROLE RELEASE, UNEARNED DIMINUTION CREDITS, AND ANY
40 OTHER AUTOMATIC MECHANISMS FOR EARLY RELEASE;

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1 (X) DEVISE AND INTEGRATE INTO THE STRUCTURED SENTENCING
2 MODEL A SYSTEM OF POST-PRISON SUPERVISION;

3 (XI) EXAMINE AND MAKE RECOMMENDATIONS REGARDING THE
4 ROLE OF EXISTING MANDATORY MINIMUM SENTENCES IN THE RECOMMENDED
5 STRUCTURED SENTENCING MODEL; AND

6 (XII) DEVELOP A MECHANISM AND A COMMON STANDARD TO
7 MEASURE THE EFFECTIVENESS OF THE VARIOUS TYPES OF SANCTIONS IN MEETING
8 THEIR SPECIFIC GOALS.

9 (4) THE COMMISSION SHALL RECOMMEND A STRATEGY AND
10 ORGANIZATIONAL STRUCTURE FOR A COORDINATED SYSTEM OF INTERMEDIATE
11 PUNISHMENTS AT THE STATE AND LOCAL LEVELS. THE PARTNERSHIP PLAN SHALL
12 INCLUDE:

13 (I) AUTHORIZATION FOR EACH LOCAL JURISDICTION IN THE
14 STATE TO ESTABLISH A FULL CONTINUUM OF INTERMEDIATE PUNISHMENTS;

15 (II) A SYSTEM OF FINANCIAL INCENTIVES AND DISINCENTIVES TO
16 ENCOURAGE LOCAL JURISDICTIONS TO ESTABLISH AND EXPAND INTERMEDIATE
17 PUNISHMENTS, INCLUDING THE LINKAGE OF STATE FUNDS FOR LOCAL DETENTION
18 CENTER CONSTRUCTION TO THE ESTABLISHMENT AND EXPANSION ENHANCEMENT
19 OF LOCAL INTERMEDIATE PUNISHMENTS;

20 (III) AN INCENTIVE TO LOCAL JURISDICTIONS FOR THE
21 ESTABLISHMENT OF LOCAL INTERMEDIATE PUNISHMENT BOARDS, CONSISTING OF
22 KEY CRIMINAL JUSTICE ORGANIZATIONS AND VICTIMS' REPRESENTATIVES, TO
23 DEVELOP LOCAL PLANS FOR THE EXPANSION AND USE OF INTERMEDIATE
24 PUNISHMENTS;

25 (IV) AN INCENTIVE TO LOCAL JURISDICTIONS FOR THE
26 ESTABLISHMENT OR DESIGNATION OF COMMUNITY SERVICE-ORIENTED COURTS,
27 COMMUNITY ACCOUNTABILITY BOARDS, OR OTHER MECHANISMS TO
28 INSTITUTIONALIZE THE INVOLVEMENT OF VICTIMS AND THE COMMUNITY IN THE
29 FASHIONING OF REPARATIVE SENTENCES FOR PUBLIC-ORDER VIOLATORS AND
30 OTHER MINOR OFFENDERS;

31 (V) A FORM OF STATE OVERSIGHT AND COORDINATION TO
32 ENSURE THAT STATE AND LOCAL INTERMEDIATE PUNISHMENTS PROMOTE PUBLIC
33 SAFETY AND THE ADMINISTRATION OF JUSTICE, WHICH SHALL INCLUDE
34 MECHANISMS FOR THE SWIFT AND CERTAIN IMPOSITION OF REGRESSIVE
35 SANCTIONS FOR VIOLATIONS OF SENTENCE CONDITIONS AND PROGRESSIVE
36 INCENTIVES FOR COMPLIANCE, AND GREATER LINKAGES AMONG STATE AND
37 LOCAL AGENCIES THAT MONITOR OFFENDER COMPLIANCE WITH SENTENCE
38 CONDITIONS AND THAT PROVIDE OFFENDER REMEDIATION SERVICES; AND

39 (VI) IDENTIFICATION OF FUNDING SOURCES FOR INTERMEDIATE
40 PUNISHMENTS, INCLUDING PAROLE AND PROBATION SUPERVISION FEES, COURT
41 FEES, AND ECONOMIC SANCTIONS IMPOSED ON OFFENDERS, AND STATE AND
42 FEDERAL AID.

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1 (5) THE COMMISSION SHALL RECOMMEND THE ESTABLISHMENT OR
2 DESIGNATION OF A PERMANENT STATEWIDE AGENCY OR AGENCIES TO
3 ADMINISTER THE STRUCTURED SENTENCING MODEL AND STATE-LOCAL
4 INTERMEDIATE PUNISHMENT PARTNERSHIP AND DEFINE THE RESPONSIBILITIES
5 AND AUTHORITY OF SUCH AGENCY OR AGENCIES.

6 (H) THE COMMISSION SHALL SUBMIT A FINAL REPORT OF ITS
7 RECOMMENDATIONS IN THE FORM OF DRAFT LEGISLATION TO THE GENERAL
8 ASSEMBLY ON OR BEFORE DECEMBER 31, 1996.

9 (I) THIS SECTION SHALL TERMINATE AND BE OF NO EFFECT AFTER JUNE 30,
10 1997.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 1996.