
By: Delegates Montague, Minnick, T. Murphy, Curran, Doory, and Hutchins

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Serious Property Offenses - Mandatory Sentencing**

3 FOR the purpose of establishing that a person convicted a certain number of times for
4 committing certain offenses is subject to certain mandatory sentences; defining
5 certain terms; prohibiting a court from suspending all or part of the sentence
6 imposed; prohibiting the release on parole of a person subject to a mandatory
7 sentence except under specified circumstances; requiring the State to follow certain
8 procedures under certain circumstances; providing an exception to the prohibition
9 against parole for inmates of a certain age under certain circumstances; requiring
10 the Maryland Parole Commission to adopt certain regulations; providing that the
11 provisions of this Act do not apply to certain persons; and generally relating to
12 mandatory sentencing for certain offenses.

13 BY renumbering

14 Article 27 - Crimes and Punishments
15 Section 643C and 643D, respectively
16 to be Section 643D and 643E, respectively
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1995 Supplement)

19 BY adding to

20 Article 27 - Crimes and Punishments
21 Section 643C
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1995 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 643C and 643D, respectively, of Article 27 - Crimes and
26 Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 643D
27 and 643E, respectively.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

2

1 **Article 27 - Crimes and Punishments**

2 643C.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "CORRECTIONAL INSTITUTION" INCLUDES PATUXENT INSTITUTION
6 AND A LOCAL OR REGIONAL JAIL OR DETENTION CENTER.

7 (3) "SERIOUS PROPERTY OFFENSE" MEANS BURGLARY IN THE FIRST
8 DEGREE, BURGLARY IN THE SECOND DEGREE, AND ARSON IN THE SECOND
9 DEGREE.

10 (B) (1) (I) ANY PERSON WHO HAS BEEN CONVICTED ON TWO SEPARATE
11 OCCASIONS OF A SERIOUS PROPERTY OFFENSE WHERE THE CONVICTIONS DO NOT
12 ARISE FROM A SINGLE INCIDENT AND WHO HAS SERVED AT LEAST ONE TERM OF
13 CONFINEMENT IN A CORRECTIONAL INSTITUTION AS A RESULT OF A CONVICTION
14 OF A SERIOUS PROPERTY OFFENSE, SHALL BE SENTENCED, ON BEING CONVICTED A
15 THIRD OR SUBSEQUENT TIME OF A SERIOUS PROPERTY OFFENSE, TO
16 IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT, IN ANY EVENT, NOT LESS
17 THAN 15 YEARS.

18 (II) A COURT MAY NOT SUSPEND ALL OR PART OF THE
19 MANDATORY 15-YEAR SENTENCE REQUIRED UNDER THIS PARAGRAPH, AND THE
20 PERSON SHALL NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE
21 PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.

22 (2) A SEPARATE OCCASION SHALL BE CONSIDERED ONE IN WHICH THE
23 SECOND OR SUCCEEDING OFFENSE IS COMMITTED AFTER THERE HAS BEEN A
24 CHARGING DOCUMENT FILED FOR THE PRECEDING OCCASION.

25 (C) (1) ANY PERSON WHO HAS BEEN CONVICTED ON A PRIOR OCCASION OF
26 A SERIOUS PROPERTY OFFENSE AND HAS SERVED A TERM OF CONFINEMENT IN A
27 CORRECTIONAL INSTITUTION FOR THAT CONVICTION SHALL BE SENTENCED, ON
28 BEING CONVICTED A SECOND TIME OF A SERIOUS PROPERTY OFFENSE, TO
29 IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT, IN ANY EVENT, NOT LESS
30 THAN 10 YEARS.

31 (2) A COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
32 10-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION.

33 (D) IF THE STATE INTENDS TO PROCEED AGAINST A PERSON AS A
34 SUBSEQUENT OFFENDER UNDER THIS SECTION, IT SHALL COMPLY WITH THE
35 PROCEDURES SET FORTH IN THE MARYLAND RULES FOR THE INDICTMENT AND
36 TRIAL OF A SUBSEQUENT OFFENDER.

37 (E) (1) ANY PERSON SENTENCED UNDER THE PROVISIONS OF THIS SECTION
38 WHO IS AT LEAST 65 YEARS OLD AND HAS SERVED AT LEAST 5 YEARS OF THE
39 SENTENCE IMPOSED MAY PETITION FOR AND BE GRANTED PAROLE.

40 (2) THE MARYLAND PAROLE COMMISSION SHALL ADOPT REGULATIONS
41 TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

HOUSE BILL 607

3

1 (F) IF A PERSON IS SENTENCED TO DEATH, THE PROVISIONS OF THIS SECTION
2 DO NOT APPLY.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1996.