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**By: Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services)**

Requested: October 12, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Patuxent Institution**

3 FOR the purpose of modifying a sentencing judge's authority to recommend certain  
4 offenders for the Patuxent Institution eligible person remediation program; altering  
5 the conditions under which an offender may be referred for evaluation for possible  
6 admission to the Patuxent Institution Youth Program; excluding certain offenders  
7 from consideration; and generally relating to the Patuxent Institution Youth  
8 Program.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 690A-1  
12 Annotated Code of Maryland  
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 31B - Patuxent Institution  
16 Section 1 and 2  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1995 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 690A-1.

23 (a) In this section, "Program" means the Patuxent Institution Youth Program.

24 (b) (1) The provisions of this section apply to an individual under the age of 21  
25 years who:

26 (I) [is] IS sentenced to a term of imprisonment of 3 years or more for  
27 a criminal offense by a circuit court or the District Court.

2

1 (II) HAS AN INTELLECTUAL IMPAIRMENT, AN EMOTIONAL  
2 UNBALANCE, OR A HISTORY OF SUBSTANCE ABUSE;

3 (III) IS LIKELY TO RESPOND FAVORABLY TO THE PROGRAMS AND  
4 SERVICES PROVIDED AT PATUXENT INSTITUTION;

5 (IV) CAN BETTER RESPOND TO REMEDIATION THROUGH THOSE  
6 PROGRAMS AND SERVICES THAN BY OTHER INCARCERATION; AND

7 (V) MEETS THE CRITERIA FOR ADMISSION ESTABLISHED UNDER  
8 SUBSECTION (G) OF THIS SECTION.

9 (2) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN  
10 INDIVIDUAL WHO:

11 (I) IS SERVING ONE OR MORE SENTENCES OF IMPRISONMENT FOR  
12 LIFE UNDER THE PROVISIONS OF § 412 OF THIS ARTICLE; OR

13 (II) HAS BEEN CONVICTED OF MURDER IN THE FIRST DEGREE,  
14 RAPE IN THE FIRST DEGREE, OR A SEXUAL OFFENSE IN THE FIRST DEGREE.

15 (c) A court may, at sentencing, order that an individual be referred to the  
16 Patuxent Institution for evaluation.

17 (d) Whenever an individual is approved for transfer to the Program under this  
18 section, the duration of the transfer to the Patuxent Institution shall terminate on the first  
19 to occur of the following:

20 (1) The Director of Patuxent Institution orders the individual transferred to  
21 the Division of Correction;

22 (2) With the approval of the Secretary of Public Safety and Correctional  
23 Services, the individual is ordered paroled by the Patuxent Institution Board of Review;  
24 or

25 (3) The individual's term of imprisonment is completed as provided by law.

26 (e) An individual who is transferred to the Program in accordance with this  
27 section shall be deemed to be committed to, and remain subject to the jurisdiction of, the  
28 Patuxent Institution.

29 (f) An individual's transfer to the Program does not affect the individual's  
30 eligibility for diminution of confinement credits or other privileges available by law or  
31 regulation to an individual sentenced to the custody of the Division of Correction or a  
32 local correctional facility, including a local detention center.

33 (g) (1) The Secretary of Public Safety and Correctional Services shall adopt  
34 regulations for the management and operation of the Program, including criteria for  
35 admission to the Program.

36 (2) The criteria for admission to the Program shall:

37 (i) Be consistent with Article 31B of the Code and any other statutory  
38 requirements; and

3

1 (ii) Include the following:

- 2 1. The age of the individual;
- 3 2. The mental and physical condition of the individual;
- 4 3. The individual's amenability to treatment in the Program;
- 5 4. The nature of the offense and the individual's participation
- 6 in the offense; and
- 7 5. The public safety.

8 (h) The Director of Patuxent Institution shall:

9 (1) Review recommendations of the court for admission of individuals to the

10 Program; and

11 (2) Admit or deny admission for each individual based on the criteria for

12 admission.

13 **Article 31B - Patuxent Institution**

14 1.

15 (a) In this article, the following words have the meanings indicated unless the

16 context clearly requires otherwise.

17 (b) "Board of review" means the institutional board of review, created by § 6 OF

18 THIS ARTICLE.

19 (c) "Commissioner" means the Commissioner of Correction.

20 (d) "Department" means the Department of Public Safety and Correctional

21 Services.

22 (e) "Director" means the director of Patuxent Institution.

23 (f) (1) "Eligible person" means a person who (i) has been convicted of a crime

24 and is serving a sentence of imprisonment with at least three years remaining on it, (ii)

25 has an intellectual impairment or emotional unbalance, (iii) is likely to respond favorably

26 to the programs and services provided at Patuxent Institution, (iv) can better respond to

27 remediation through those programs and services than by other incarceration, and (v)

28 meets the eligibility criteria established by the Secretary under § 8 of this article.

29 (2) "Eligible person" does not include a person who (i) is serving 2 or more

30 sentences of imprisonment for life under the provisions of Article 27, § 412 of the Code,

31 (ii) is serving 1 or more sentences of imprisonment for life when a court or jury has found,

32 beyond a reasonable doubt, that one or more aggravating circumstances existed under the

33 provisions of Article 27, § 413 of the Code, or (iii) has been convicted of murder in the

34 first degree, rape in the first degree, or a sexual offense in the first degree[, unless the

35 sentencing judge, at the time of sentencing or in the exercise of the judge's revisory power

36 under the Maryland Rules, recommends that the person be referred to the Institution for

37 evaluation].

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1 (g) "Evaluation team" means a team of at least three professional employees of  
2 the Institution, one of whom shall be a social worker, one a psychologist, and one a  
3 psychiatrist.

4 (h) "Institution" means the Patuxent Institution.

5 (i) "Remediation" means treatment for specific areas of mental and social  
6 deficiencies which are highly related to criminal behavior.

7 (j) "Secretary" means the Secretary of Public Safety and Correctional Services.

8 (k) "Victim" means:

9 (1) A person who suffers personal physical injury or death as a direct result  
10 of a crime; or

11 (2) If the victim is deceased, a designated family member of the victim.

12 2.

13 (a) The Patuxent Institution is created and continued as part of the Department.

14 (b) The purpose of the Institution is to provide remediation programs and  
15 services to youthful eligible persons which shall include a range of program alternatives  
16 indicated by the current state of knowledge to be appropriate and effective for the  
17 population being served. As an integral part of the program an effective research,  
18 development, and training effort will be established and maintained to evaluate and  
19 recommend improvements on an ongoing basis.

20 (c) The eligible person remediation program may consist of no more than 350  
21 eligible persons. The Institution may provide other remediation programs as designated  
22 by the Secretary.

23 (D) THE INSTITUTION SHALL MANAGE AND OPERATE THE PATUXENT  
24 INSTITUTION YOUTH PROGRAM AS DESCRIBED IN ARTICLE 27, § 690A-1 OF THE  
25 CODE.

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