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

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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 1996

CHAPTER ____

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 clarifying that the Patuxent Institution is responsible for managing and
9 operating the Youth Program at the Institution; establishing certain eligibility
10 criteria for the Youth Program; making certain persons ineligible for the Youth
11 Program; and generally relating to the Patuxent Institution.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 690A-1
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 31B - Patuxent Institution
19 Section 1 and 2
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1995 Supplement)

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

2

1 **Article 27 - Crimes and Punishments**

2 690A-1.

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

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

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

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

10 (III) IS LIKELY TO RESPOND FAVORABLY TO THE ~~PROGRAMS AND~~
11 ~~SERVICES PROVIDED AT PATUXENT INSTITUTION PROGRAM~~ PROGRAM;

12 (IV) CAN BETTER RESPOND TO REMEDIATION THROUGH ~~THOSE~~
13 ~~PROGRAMS AND SERVICES~~ THE PROGRAM THAN BY OTHER INCARCERATION; AND

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

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

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

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

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

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

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

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

31 or

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

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

36 (f) An individual's transfer to the Program does not affect the individual's
37 eligibility for diminution of confinement credits or other privileges available by law or

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1 regulation to an individual sentenced to the custody of the Division of Correction or a
2 local correctional facility, including a local detention center.

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

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

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

9 (ii) Include the following:

10 1. The age of the individual;

11 2. The mental and physical condition of the individual;

12 3. The individual's amenability to treatment in the Program;

13 4. The nature of the offense and the individual's participation
14 in the offense; and

15 5. The public safety.

16 (h) The Director of Patuxent Institution shall:

17 (1) Review recommendations of the court for admission of individuals to the
18 Program; and

19 (2) Admit or deny admission for each individual based on the criteria for
20 admission.

21 **Article 31B - Patuxent Institution**

22 1.

23 (a) In this article, the following words have the meanings indicated unless the
24 context clearly requires otherwise.

25 (b) "Board of review" means the institutional board of review, created by § 6 OF
26 THIS ARTICLE.

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

28 (d) "Department" means the Department of Public Safety and Correctional
29 Services.

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

31 (f) (1) "Eligible person" means a person who (i) has been convicted of a crime
32 and is serving a sentence of imprisonment with at least three years remaining on it, (ii)
33 has an intellectual impairment or emotional unbalance, (iii) is likely to respond favorably
34 to the programs and services provided at Patuxent Institution, (iv) can better respond to
35 remediation through those programs and services than by other incarceration, and (v)
36 meets the eligibility criteria established by the Secretary under § 8 of this article.

1 (2) "Eligible person" does not include a person who (i) is serving 2 or more
2 sentences of imprisonment for life under the provisions of Article 27, § 412 of the Code,
3 (ii) is serving 1 or more sentences of imprisonment for life when a court or jury has found,
4 beyond a reasonable doubt, that one or more aggravating circumstances existed under the
5 provisions of Article 27, § 413 of the Code, or (iii) has been convicted of murder in the
6 first degree, rape in the first degree, or a sexual offense in the first degree[, unless the
7 sentencing judge, at the time of sentencing or in the exercise of the judge's revisory power
8 under the Maryland Rules, recommends that the person be referred to the Institution for
9 evaluation].

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

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

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

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

17 (k) "Victim" means:

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

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

21 2.

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

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

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

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

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

