

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 88

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Article;" insert "altering provisions concerning regulations of the State Use Industries; eliminating and altering certain requirements relating to disclosure of certain case records; altering requirements for certain leave for inmates; establishing, altering, eliminating, and clarifying provisions and procedures concerning the Board of Review, grants and loans, educational programs, and mandatory supervision related to Patuxent Institution; requiring the recommendation of a health care provider for the authorization of certain medical treatment; requiring the Division of Correction to make a certain investigation concerning parole under certain circumstances; requiring that a presentence investigation report be made available to the defendant under certain circumstances; eliminating obsolete references; altering certain penalties; clarifying certain parole hearing considerations; clarifying eligibility criteria for representation by the Public Defender; expanding and altering procedures and requirements concerning certain detainees; prohibiting an individual from depositing or concealing a weapon in a certain manner to effect an escape; altering procedures relating to inmate grievances; allowing the Sundry Claims Board to adopt certain regulations under certain circumstances; altering a certain time period for committing certain inmates to the Division of Correction; clarifying that certain duties apply to any inmate in the custody of a local correctional facility under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 28, after "3-304(b)" insert "3-514(b), 3-602(b)(6) and (7), 3-606, 3-704(b)(1)(i), 3-811(a)(2), 4-205(d)(2)(i), 4-212, 4-306(b)(2), 5-406(a), 6-112(a)(3), 7-205(a)(7) and (e)(1), 7-301(a), 7-306(c), 7-307(b)(1)(i) and (2), 7-401(b)(1), 7-505(b), 8-109(a), 8-207(a)(1) and (b), 8-502(a)(2) and (c)(6), 8-503(a), (c), and (e), 8-802, 8-808(b), 10-209(c)(1) and (3)(ii), 11-201(b)(2), 11-203(a)(1), and 11-317(d)(2)(i)"; and after line 31, insert:

"BY repealing

Article - Correctional Services

(Over)

Section 4-213 and 11-305(c)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 1999)

BY adding to

Article - Correctional Services
Section 10-310
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 1999)”.

AMENDMENT NO. 3

On page 14, after line 12, insert:

“3-514.

(b) After review by the Advisory Committee AND AFTER CONSIDERATION OF ANY RECOMMENDATIONS BY THE GENERAL MANAGER, the Commissioner [and General Manager] shall adopt regulations IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE that govern the method and time of compensation payments.

3-602.

(b) The contents of a case record may be disclosed:

(6) to a State’s attorney; [and]

(7) [on written request:

(i)] to an employee of any State unit or a federal or local law enforcement unit, if disclosure is in furtherance of the employee’s lawful duties; and

[(ii)] (8) [to] ON WRITTEN REQUEST, TO a person who has written authorization for the disclosure from the inmate.

3-606.

On request, the Division shall provide a copy of a case record maintained under § 3-601 of this subtitle to a managing official of [a]:

(1) A correctional facility in another state if that state has made reciprocal provisions by law for providing records of its convicted criminals to the authorities of other states;

(2) A FEDERAL CORRECTIONAL FACILITY; AND

(3) A LOCAL CORRECTIONAL FACILITY.

3-704.

(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:

(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's [maximum] term of confinement;

3-811. (a) The Commissioner or Commissioner's designee may grant family leave to allow an inmate to visit the inmate's family for a reasonable time if the inmate: (2) is classified to be in [minimum security] PRE-RELEASE status; and4-205.

(d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, each action of the Board of Review requires the approval of [a majority of the] 5 members.

4-212. Subject to any approval required by law, the Director may apply for and receive from any unit of government OR PRIVATE PERSON a grant or loan of funds or goods to be used in the [establishment, maintenance,] MAINTENANCE or programs of the Institution.[4-213.

Notwithstanding any other provision of law, the Institution shall be considered a correctional facility within the Division of Correction for the purpose of funding educational programs under Title 22, Subtitle 1 of the Education Article.]

4-306.

(b) (2) If the Board of Review concludes that an inmate is no longer an eligible person but should remain confined in the Division of Correction subject to the authority of the Maryland Parole Commission until release on expiration of sentence OR MANDATORY SUPERVISION, the Director shall notify the Commissioner and send the Commissioner a copy of the evaluation team's

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report.5-406.

(a) [The] ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE warden of the Baltimore City Detention Center and the warden's designees may authorize medical treatment of a juvenile inmate when in the judgment of the warden or a designee the treatment is required and a parent, guardian, or person in loco parentis of the juvenile is not available on a timely basis to give the authorization.

6-112.

(a) (3) On request, a presentence investigation report shall be made available to:

(I) THE DEFENDANT;

[(i)] (II) the defendant's attorney; [(ii)] (III) the State's Attorney; [(iii)] (IV) a correctional facility; [(iv)] (V) a parole, probation, or pretrial release official of this State, any other state, or the United States;

[(v)] (VI) a public or private mental health facility located in this State or any other state if the individual who is the subject of the report has been committed, or is being evaluated for commitment, to the facility for treatment as a condition of probation; or [(vi)] (VII) a community substance abuse treatment provider located in this State or any other state if the individual who is the subject of the report will be treated or evaluated for treatment by the provider as a condition of probation.7-205.

(a) The Commission has the exclusive power to: (7) hear cases of parole [suspension or] revocation; and (e) (1) A person who is personally served with a subpoena and who fails to appear or refuses to testify before the Commission is guilty of a misdemeanor and on conviction is subject to a fine of not [less than \$25 and not] more than \$100.

7-301.

(a) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation FOR INMATES IN A LOCAL CORRECTIONAL FACILITY AND THE DIVISION OF CORRECTION MAKE AN INVESTIGATION FOR INMATES IN A STATE CORRECTIONAL FACILITY that will enable the Commission to determine the advisability of granting parole to an inmate who: (1) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(2) has served in confinement one-fourth of the inmate's aggregate sentence.

7-306.

(c) A hearing examiner shall determine if an inmate is suitable for parole in accordance with the [standards] FACTORS AND OTHER INFORMATION specified in § 7-305 of this subtitle. 7-307.

(b) (1) (i) A Commission panel that consists of two commissioners shall determine, by unanimous vote, whether the inmate is suitable for parole in accordance with the [standards] FACTORS AND OTHER INFORMATION specified in § 7-305 of this subtitle. (2) A Commission panel that consists of three commissioners shall determine, by majority vote, whether the inmate is suitable for parole in accordance with the [standards] FACTORS AND OTHER INFORMATION specified in § 7-305 of this subtitle. 7-401.

(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, IF ELIGIBLE, counsel provided by the Public Defender's office. 7-505.

(b) If an inmate who was convicted of a [crime of violence as defined in Article 27, § 643B of the Code] VIOLENT CRIME is released on mandatory supervision and the victim made a written request for notification under § 7-801(b)(1)(ii) of this title or filed a notification request form under Article 27, § 770 of the Code, the Department shall notify the victim: (1) if a warrant or subpoena is issued by the Commission for an alleged violation of a condition of mandatory supervision;

(2) if the individual has been found guilty or not guilty of violating a condition of mandatory supervision; and

(3) of any punishment imposed for the individual's violation of a condition of mandatory supervision. 8-109.

(a) A majority of the [members] AUTHORIZED MEMBERSHIP of the Commission is a quorum. 8-207.

(a) The Commission shall meet in the State at the times determined by: (1) a

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majority of [its members] THE AUTHORIZED MEMBERSHIP OF THE COMMISSION; §
A majority of the AUTHORIZED MEMBERSHIP OF THE Commission is a quorum.8-502.

(a) This section applies whenever the Division of Correction, the Patuxent Institution, or any local correctional facility receives notice of an untried indictment, information, warrant, or complaint against an inmate who: (2) in the case of the Patuxent Institution, is confined at the Patuxent Institution [as an eligible person or for evaluation]; or (c) The request for final disposition required under subsection (b) of this section shall be accompanied by a statement from the managing official having immediate supervision over the inmate setting forth: (6) [any] THE MOST RECENT decision of the Maryland Parole Commission OR THE BOARD OF REVIEW OF THE PATUXENT INSTITUTION relating to the inmate.8-503.

(a) On receipt of notice of an untried indictment, information, warrant, or complaint against an inmate who is serving a sentence in a correctional facility in the Division of Correction or against an inmate who is confined [as an eligible person or for evaluation] at the Patuxent Institution, the Division of Correction shall promptly notify the managing official of the correctional facility in which the inmate is confined of the detainer lodged against the inmate and of the untried indictment, information, warrant, or complaint on which it is based. (c) If an inmate is not informed within 1 year of a detainer lodged against the inmate and of the inmate's right to make a request for final disposition of the indictment, information, warrant, or complaint on which the detainer is based:

(1) [the court shall no longer have jurisdiction over the indictment, information, warrant, or complaint; (2)] the untried indictment, information, warrant, or complaint shall have no further force or effect; and [(3)] (2) the court shall enter an order dismissing the untried indictment, information, warrant, or complaint without prejudice. (e) If the untried indictment, information, warrant, or complaint for which request for final disposition is made is not brought to trial within the time limitation established under § 8-502 of this subtitle: (1) [the court no longer has jurisdiction over the untried indictment, information, warrant, or complaint; §
the untried indictment, information, warrant, or complaint has no further force or effect; and

[(3)] (2) the court, on request of the inmate or the inmate's counsel, shall enter an order dismissing the untried indictment, information, warrant, or complaint without prejudice.
8-802.

(a) An individual may not deliver a weapon to an inmate. (b) An individual may not possess a weapon with intent to deliver to an inmate.

(C) AN INDIVIDUAL MAY NOT DEPOSIT OR CONCEAL A WEAPON IN OR ABOUT A CORRECTIONAL FACILITY OR ON ANY LAND APPURTENANT TO THE FACILITY TO EFFECT AN ESCAPE.

[(c)] (D) An inmate may not receive a weapon. [(d)] (E) An individual who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.
8-808.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of [not less than \$50 and] not more than \$100.
10-209.

(c) (1) Within 15 days after receiving a proposed order under subsection (b)(2) of this section, the Secretary shall issue an order affirming, reversing, or modifying the order of the Office of Administrative Hearings, OR REMANDING THE COMPLAINT TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR FURTHER PROCEEDINGS. (3) (ii) [The] UNLESS THE COMPLAINT IS REMANDED, THE Secretary's order constitutes the final decision for purposes of judicial review.
10-310.

SUBJECT TO THE APPROVAL OF THE SECRETARY, THE BOARD MAY ADOPT REGULATIONS GOVERNING CLAIMS FILED UNDER THIS SUBTITLE.

11-201.

(b) (2) A managing official is responsible for the safekeeping, care, and feeding of inmates [committed to] IN the custody of a local correctional facility, including an inmate who is working on the public highways or going to and from that work, until the inmate is discharged, released, or withdrawn from the local correctional facility by due course of law. 11-203.

(a) (1) The managing official of a local correctional facility shall provide to an inmate [committed to] IN the custody of the managing official: (i) food and board; and

(ii) any article of comfort that is considered necessary for a sick inmate by the physician attending the inmate.

11-305.

[(c) The Secretary shall comply with the Administrative Procedure Act, Title 7, Subtitle 2 of the State Government Article, and other applicable laws in the development, adoption, and

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enforcement of standards.]
11-317.

(d) (2) (i) If the remaining term of confinement of the inmate exceeds [6] 12 months, the court that committed the inmate may designate the Division of Correction as the agency of custody.”.