
By: **The Speaker (Department of Legislative Services - Code Revision)**

Introduced and read first time: January 21, 1999

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services Article - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Correctional Services
4 Article in the Annotated Code of Maryland; correcting a certain omission in the
5 Correctional Services Article; altering provisions concerning regulations of the
6 State Use Industries; eliminating and altering certain requirements relating to
7 disclosure of certain case records; altering requirements for certain leave for
8 inmates; establishing, altering, eliminating, and clarifying provisions and
9 procedures concerning the Board of Review, grants and loans, educational
10 programs, and mandatory supervision related to Patuxent Institution; requiring
11 the recommendation of a health care provider for the authorization of certain
12 medical treatment; requiring the Division of Correction to make a certain
13 investigation concerning parole under certain circumstances; requiring that a
14 presentence investigation report be made available to the defendant under
15 certain circumstances; eliminating obsolete references; altering certain
16 penalties; clarifying certain parole hearing considerations; clarifying eligibility
17 criteria for representation by the Public Defender; expanding and altering
18 procedures and requirements concerning certain detainees; prohibiting an
19 individual from depositing or concealing a weapon in a certain manner to effect
20 an escape; altering procedures relating to inmate grievances; allowing the
21 Sundry Claims Board to adopt certain regulations under certain circumstances;
22 altering a certain time period for committing certain inmates to the Division of
23 Correction; clarifying that certain duties apply to any inmate in the custody of a
24 local correctional facility under certain circumstances; making stylistic changes;
25 and generally relating to the Correctional Services Article.

26 BY repealing and reenacting, with amendments,

27 Article 1 - Rules of Interpretation

1 Section 25
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 1998 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 27 - Crimes and Punishments
6 Section 36B(d)(1)(ii), 36H-6(b)(1)(ii), 281A(b)(1)(ii) and (2)(ii), 286(b)(3), (c)(2),
7 (d)(2), (e)(2), and (f)(3)(ii), 286D(b)(1)(ii), 464G(a)(2), 594B(o) and (q),
8 643B(c), 643C(a), 645A(e), 776(c), 781(b), 785, 786(b), (c), (d), (e), and (f),
9 792(a)(12)(vii), 805A(e), 830(a)(2), and 837(c)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 38A - Fires and Investigations
14 Section 34A and 34B
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 41 - Governor - Executive and Administrative Departments
19 Section 18-312(a)(6), (8), and (9)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings
24 Section 5-106(b), 5-1001(b)(2), 7-301(e), and 12-307(4)
25 Annotated Code of Maryland
26 (1998 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article - Labor and Employment
29 Section 9-221(a)(2)
30 Annotated Code of Maryland
31 (1991 Volume and 1998 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article - State Finance and Procurement
34 Section 4-406(g)(2), 12-107(b)(7), and 14-103(1)
35 Annotated Code of Maryland
36 (1995 Replacement Volume and 1998 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - State Government
 2 Section 9-1607.1(a)(2)(iv)
 3 Annotated Code of Maryland
 4 (1995 Replacement Volume and 1998 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Transportation
 7 Section 8-607
 8 Annotated Code of Maryland
 9 (1993 Replacement Volume and 1998 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article - Correctional Services
 12 Section 3-304(b), 3-514(b), 3-602(b)(6) and (7), 3-606, 3-704(b)(1)(i),
 13 3-811(a)(2), 4-205(d)(2)(i), 4-212, 4-306(b)(2), 5-406(a), 6-112(a)(3),
 14 7-205(a)(7) and (e)(1), 7-301(a), 7-306(c), 7-307(b)(1)(i) and (2),
 15 7-401(b)(1), 7-505(b), 8-109(a), 8-207(a)(1) and (b), 8-502(a)(2) and (c)(6),
 16 8-503(a), (c), and (e), 8-802, 8-808(b), 10-209(c)(1) and (3)(ii),
 17 11-201(b)(2), 11-203(a)(1), and 11-317(d)(2)(i)
 18 Annotated Code of Maryland
 19 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 20 1999)

21 BY repealing
 22 Article - Correctional Services
 23 Section 4-213 and 11-305(c)
 24 Annotated Code of Maryland
 25 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 26 1999)

27 BY adding to
 28 Article - Correctional Services
 29 Section 10-310
 30 Annotated Code of Maryland
 31 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 32 1999)

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

Article 1 - Rules of Interpretation

1
2 25.

3 (a) Unnumbered revised articles of the Annotated Code of Maryland may be
4 cited as stated in this section.

5 (b) A section of the Agriculture Article may be cited as: "§ of the
6 Agriculture Article".

7 (c) A section of the Business Occupations and Professions Article may be cited
8 as: "§ of the Business Occupations and Professions Article".

9 (d) A section of the Business Regulation Article may be cited as: "§ of
10 the Business Regulation Article".

11 (e) A section of the Commercial Law Article may be cited as: "§ of the
12 Commercial Law Article".

13 (f) A section of the Corporations and Associations Article may be cited as: "§
14 of the Corporations and Associations Article".

15 (g) A SECTION OF THE CORRECTIONAL SERVICES ARTICLE MAY BE CITED AS:
16 "§ OF THE CORRECTIONAL SERVICES ARTICLE".

17 (H) A section of the Courts and Judicial Proceedings Article may be cited as: "§
18 of the Courts Article".

19 [(h)] (I) A section of the Education Article may be cited as: "§ of the
20 Education Article".

21 [(i)] (J) A section of the Environment Article may be cited as: "§ of the
22 Environment Article".

23 [(j)] (K) A section of the Estates and Trusts Article may be cited as: "§
24 of the Estates and Trusts Article".

25 [(k)] (L) A section of the Family Law Article may be cited as: "§ of the
26 Family Law Article".

27 [(l)] (M) A section of the Financial Institutions Article may be cited as: "§
28 of the Financial Institutions Article".

29 [(m)] (N) A section of the Health - General Article may be cited as: "§ of
30 the Health - General Article".

31 [(n)] (O) A section of the Health Occupations Article may be cited as: "§
32 of the Health Occupations Article".

33 [(o)] (P) A section of the Insurance Article may be cited as: "§ of the
34 Insurance Article".

1 [(p)] (Q) A section of the Labor and Employment Article may be cited as: "§
2 of the Labor and Employment Article".

3 [(q)] (R) A section of the Natural Resources Article may be cited as: "§
4 of the Natural Resources Article".

5 [(r)] (S) A section of the Public Utility Companies Article may be cited as: "§
6 of the Public Utility Companies Article".

7 [(s)] (T) A section of the Real Property Article may be cited as: "§ of the
8 Real Property Article".

9 [(t)] (U) A section of the State Finance and Procurement Article may be cited
10 as: "§ of the State Finance and Procurement Article".

11 [(u)] (V) A section of the State Government Article may be cited as: "§
12 of the State Government Article".

13 [(v)] (W) A section of the State Personnel and Pensions Article may be cited as:
14 "§ of the State Personnel and Pensions Article".

15 [(w)] (X) A section of the Tax - General Article may be cited as: "§ of the
16 Tax - General Article".

17 [(x)] (Y) A section of the Tax - Property Article may be cited as: "§ of
18 the Tax - Property Article".

19 [(y)] (Z) A section of the Transportation Article may be cited as: "§ of
20 the Transportation Article".

21 **Article 27 - Crimes and Punishments**

22 36B.

23 (d) Any person who shall use a handgun or an antique firearm capable of
24 being concealed on the person in the commission of any felony or any crime of violence
25 as defined in § 441 of this article, whether operable or inoperable at the time of the
26 offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in
27 addition to any other sentence imposed by virtue of commission of said felony or
28 misdemeanor:

29 (1) For a first offense, be sentenced to the Maryland Division of
30 Correction for a term of not less than 5 nor more than 20 years, and:

31 (ii) Except as otherwise provided in [Article 31B, § 11 of the Code]
32 § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, the person is not eligible for
33 parole in less than 5 years; and

1 36H-6.

2 (b) Any person who uses an assault pistol, or a magazine that has a capacity of
3 more than 20 rounds of ammunition, in the commission of any felony or any crime of
4 violence as defined in § 441 of this article shall be guilty of a separate misdemeanor
5 and on conviction thereof shall, in addition to any other sentence imposed by virtue of
6 commission of the felony or misdemeanor:

7 (1) For a first offense, be sentenced to the Maryland Division of
8 Correction for a term of not less than 5 nor more than 20 years, and:

9 (ii) Except as otherwise provided in [Article 31B, § 11 of the Code]
10 § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, the person is not eligible for
11 parole in less than 5 years; and

12 281A.

13 (b) During and in relation to any drug trafficking crime, a person who
14 possesses a firearm under sufficient circumstances to constitute a nexus to the drug
15 trafficking crime or who uses, wears, carries, or transports a firearm is guilty of a
16 separate felony and on conviction shall, in addition to the sentence provided for the
17 drug trafficking crime, be sentenced as follows:

18 (1) (ii) It is mandatory upon the court to impose no less than the
19 minimum sentence of 5 years, no part of which may be suspended and the person may
20 not be eligible for parole except in accordance with the provisions of [Article 31B, § 11
21 of the Code] § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE; and

22 (2) (ii) It is mandatory upon the court to impose no less than a
23 minimum consecutive sentence of 10 years, no part of which may be suspended and
24 the person may not be eligible for parole except in accordance with the provisions of
25 [Article 31B, § 11 of the Code] § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE.

26 286.

27 (b) Any person who violates any of the provisions of subsection (a) of this
28 section with respect to:

29 (3) Any other controlled dangerous substance classified in Schedule I, II,
30 III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a
31 term of imprisonment for not more than 5 years or a fine of not more than \$15,000, or
32 both. Any person who has previously been convicted under this paragraph shall be
33 sentenced to imprisonment for not less than 2 years. The prison sentence of a person
34 sentenced under this paragraph as a repeat offender may not be suspended to less
35 than 2 years, and the person may be paroled during that period only in accordance
36 with [Article 31B, § 11 of the Code] § 4-305 OF THE CORRECTIONAL SERVICES
37 ARTICLE.

38 (c) (2) The prison sentence of a person sentenced under subsection (b)(1) or
39 subsection (b)(2) of this section, or of conspiracy to violate subsection (b)(1) or

1 subsection (b)(2) of this section or any combination of these offenses, as a second
2 offender may not be suspended to less than 10 years, and the person may be paroled
3 during that period only in accordance with [Article 31B, § 11 of the Code] § 4-305 OF
4 THE CORRECTIONAL SERVICES ARTICLE.

5 (d) (2) Neither the sentence required under paragraph (1) of this subsection
6 nor any part of it may be suspended, and the person may not be eligible for parole
7 except in accordance with [Article 31B, § 11 of the Code] § 4-305 OF THE
8 CORRECTIONAL SERVICES ARTICLE.

9 (e) (2) Neither the sentence required under paragraph (1) of this subsection
10 nor any part of it may be suspended, and the person may not be eligible for parole
11 except in accordance with [Article 31B, § 11 of the Code] § 4-305 OF THE
12 CORRECTIONAL SERVICES ARTICLE.

13 (f) (3) (ii) The person may not be eligible for parole except in accordance
14 with [Article 31B, § 11 of the Code] § 4-305 OF THE CORRECTIONAL SERVICES
15 ARTICLE.

16 286D.

17 (b) (1) A person who violates the provisions of this section, on conviction,
18 shall be subject to the following penalties:

19 (ii) For a second or subsequent offense, imprisonment for not less
20 than 5 or more than 40 years or a fine of not more than \$40,000 or both. It is
21 mandatory for the court to impose a minimum sentence of 5 years, which may not be
22 suspended, and a person is not eligible for parole during that period, except in
23 accordance with [Article 31B, § 11 of the Code] § 4-305 OF THE CORRECTIONAL
24 SERVICES ARTICLE.

25 464G.

26 (a) (2) "Correctional employee" means:

27 (i) A correctional officer, as defined in [Article 41, § 4-301 of the
28 Code] § 8-201 OF THE CORRECTIONAL SERVICES ARTICLE; or

29 (ii) A head or deputy head of a correctional facility, including a
30 sheriff, warden, superintendent, or any person having an equivalent title who is
31 appointed or employed to supervise a correctional facility.

32 594B.

33 (o) Parole and probation employees assigned by the Director of Parole and
34 Probation to supervise offenders under [Article 41, § 4-602A of the Code] § 6-106 OF
35 THE CORRECTIONAL SERVICES ARTICLE have the same powers of arrest for these
36 offenders as are set forth in this section for police officers.

1 (q) Correctional officers designated by the Commissioner of Correction under
2 [§ 684A of this article] § 3-216 OF THE CORRECTIONAL SERVICES ARTICLE have the
3 same powers of arrest for individuals on the property of a facility under the
4 jurisdiction of the Division of Correction as are set forth in this section for police
5 officers.

6 643B.

7 (c) Except as provided in subsections (f) and (g) of this section, any person who
8 (1) has been convicted on two separate occasions of a crime of violence where the
9 convictions do not arise from a single incident, and (2) has served at least one term of
10 confinement in a correctional institution as a result of a conviction of a crime of
11 violence, shall be sentenced, on being convicted a third time of a crime of violence, to
12 imprisonment for the term allowed by law, but, in any event, not less than 25 years.
13 The court may not suspend all or part of the mandatory 25-year sentence required
14 under this subsection, and the person shall not be eligible for parole except in
15 accordance with the provisions of [Article 31B, § 11] § 4-305 OF THE CORRECTIONAL
16 SERVICES ARTICLE. A separate occasion shall be considered one in which the second
17 or succeeding offense is committed after there has been a charging document filed for
18 the preceding occasion.

19 643C.

20 (a) Nothing in this article OR § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B),
21 § 3-807(I), § 3-808(D), § 3-811(C), §§ 8-801 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), §
22 11-703(D)(5)(III) AND (F)(4), § 11-705(H), § 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), §
23 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2), § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I),
24 OR § 11-724(H)(2) OF THE CORRECTIONAL SERVICES ARTICLE may be construed to
25 prohibit the use of judicial guidelines in setting sentences.

26 645A.

27 (e) The remedy herein provided is not a substitute for, nor does it affect any
28 remedies which are incident to the proceedings in the trial court or any remedy of
29 direct review of the sentence or conviction. Except as provided in subsection (a)(3) of
30 this section, a petition for relief under this subtitle may be filed at any time, except
31 that where an appeal has been taken from the judgment of conviction to the Court of
32 Special Appeals, it shall not be necessary to appoint counsel or conduct a hearing or
33 take any action whatsoever on the petition, until the judgment of conviction becomes
34 final in the Court of Special Appeals. No appeals to the Court of Appeals or the Court
35 of Special Appeals in habeas corpus or coram nobis cases, or from other common-law
36 or statutory remedies which have heretofore been available for challenging the
37 validity of incarceration under sentence of death or imprisonment shall be permitted
38 or entertained, except appeals in such cases pending in the Court of Appeals on June
39 1, 1958, shall be processed in due course. Provided, however, that nothing in this
40 subtitle shall operate to bar an appeal to the Court of Special Appeals (1) in a habeas
41 corpus proceeding instituted under § 2-210 of Article 41 of this Code or (2) in any
42 other proceeding in which a writ of habeas corpus is sought for any purpose other
43 than to challenge the legality of a conviction of a crime or sentence of death or

1 imprisonment therefor, including confinement as a result of a proceeding under
2 [Article 31B of this Code] TITLE 4 OF THE CORRECTIONAL SERVICES ARTICLE.

3 776.

4 (c) Although not a party to a criminal proceeding, the victim of the violent
5 crime for which the defendant is charged has the right to file an application for leave
6 to appeal to the Court of Special Appeals from an interlocutory or final order that
7 denies or fails to consider a right secured to that victim by § 773(c), § 780, § 780A, or
8 § 781 of this subtitle or [Article 41, § 4-609 of the Code] § 6-112 OF THE
9 CORRECTIONAL SERVICES ARTICLE.

10 781.

11 (b) A presentence investigation that is completed by the Division of Parole and
12 Probation under [Article 41, § 4-609 of the Code] § 6-112 OF THE CORRECTIONAL
13 SERVICES ARTICLE or a predisposition investigation that is completed by the
14 Department of Juvenile Justice shall include a victim impact statement, if:

15 (1) The defendant, in committing a felony or delinquent act that would
16 be a felony if committed by an adult, caused physical, psychological, or economic
17 injury to the victim; or

18 (2) The defendant, in committing a misdemeanor, caused serious
19 physical injury or death to the victim.

20 785.

21 (a) Before the Board of Review for Patuxent Institution grants to an eligible
22 person work release or leave of absence from Patuxent Institution, the Board must
23 give the victim notice and the opportunity for comment as provided under [Article
24 31B, § 10(b) of the Code] § 4-303(B) OF THE CORRECTIONAL SERVICES ARTICLE.

25 (b) (1) Before the Board of Review for Patuxent Institution decides whether
26 to grant parole to an eligible person, the Board must give the victim notice and the
27 opportunity for comment as provided under [Article 31B, § 11(c) of the Code] §
28 4-305(D) OF THE CORRECTIONAL SERVICES ARTICLE.

29 (2) If the Board of Review for Patuxent Institution petitions a court to
30 suspend or vacate the sentence of a person who has successfully completed 3 years on
31 parole without violation and whom the Board concludes is safe to be permanently
32 released, the Board must notify the victim as provided under [Article 31B, § 11(e) of
33 the Code] § 4-305(F) OF THE CORRECTIONAL SERVICES ARTICLE.

34 786.

35 (b) (1) If a parole release hearing is scheduled for a person who has been
36 convicted and sentenced for a crime, the victim has the rights provided under [Article
37 41, § 4-504(d) of the Code] § 7-801 OF THE CORRECTIONAL SERVICES ARTICLE.

1 (2) At a parole release hearing, a victim has the rights provided under
2 [Article 41, § 4-507(c) and (d) of the Code] § 7-304 OF THE CORRECTIONAL SERVICES
3 ARTICLE.

4 (c) (1) If a person who was convicted of a violent crime is found guilty of
5 violating a condition of parole, the Department of Public Safety and Correctional
6 Services shall notify the victim as provided under [Article 41, § 4-511(f) of the Code]
7 § 7-804 OF THE CORRECTIONAL SERVICES ARTICLE.

8 (2) If a warrant or subpoena is issued for a person who was convicted of
9 a violent crime for an alleged violation of a condition of parole, the Department of
10 Public Safety and Correctional Services shall notify the victim as provided under
11 [Article 41, § 4-511(f) of the Code] § 7-804 OF THE CORRECTIONAL SERVICES
12 ARTICLE.

13 (d) (1) If a person who is sentenced is being considered for a commutation,
14 pardon, or remission of sentence, the Department of Public Safety and Correctional
15 Services shall notify the victim as provided under [Article 41, § 4-511A(b)(1), (4), (5),
16 and (6) of the Code] § 7-805(B) AND (F) OF THE CORRECTIONAL SERVICES ARTICLE.

17 (2) In addition to the right of notification referred to in paragraph (1) of
18 this subsection, if the person described in paragraph (1) of this subsection was
19 convicted of a violent crime, a victim has the rights regarding submission and
20 consideration of a victim impact statement provided under [Article 41, § 4-511A(b)(2)
21 and (3) of the Code] § 7-805(C) AND (D) OF THE CORRECTIONAL SERVICES ARTICLE.

22 (e) (1) If a person who was convicted of a crime of violence is found guilty of
23 violating a condition of mandatory supervision, the Department of Public Safety and
24 Correctional Services shall notify the victim as provided under [Article 41, § 4-612(i)
25 of the Code] § 7-505(B) OF THE CORRECTIONAL SERVICES ARTICLE.

26 (2) If a warrant or subpoena is issued for a person who was convicted of
27 a violent crime for an alleged violation of a condition of mandatory supervision, the
28 Department of Public Safety and Correctional Services shall notify the victim as
29 provided under [Article 41, § 4-511(f) of the Code] § 7-804 OF THE CORRECTIONAL
30 SERVICES ARTICLE.

31 (f) Before entering into a predetermined parole release agreement with an
32 inmate, the Maryland Parole Commission shall notify a victim as provided under [§
33 700G of this article] § 7-803 OF THE CORRECTIONAL SERVICES ARTICLE.

34 792.

35 (a) (12) "Supervising authority" means:

36 (vii) If the registrant is in the State under the terms and conditions
37 of the [interstate compact agreements under Article 41, §§ 4-801 and 4-1201 through
38 4-1211 of the Code] UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION, SET
39 FORTH IN TITLE 6, SUBTITLE 2 OF THE CORRECTIONAL SERVICES ARTICLE, OR THE
40 INTERSTATE CORRECTIONS COMPACT, SET FORTH IN TITLE 8, SUBTITLE 6 OF THE

1 CORRECTIONAL SERVICES ARTICLE, the Secretary of Public Safety and Correctional
2 Services;

3 805A.

4 (e) "Crime" means an act committed by any person in the State which would
5 constitute:

6 (1) [a] A crime as defined in this article [or], at common law, OR UNDER
7 § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B), § 3-807(I), § 3-808(D), § 3-811(C), §§ 8-801
8 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), § 11-703(D)(5)(III) AND (F)(4), § 11-705(H), §
9 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2),
10 § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I), OR § 11-724(H)(2) OF THE CORRECTIONAL
11 SERVICES ARTICLE;

12 (2) [a] A delinquent act as defined in § 3-801 of the Courts [Article,]
13 ARTICLE; or

14 (3) [a] A violation of the Transportation Article that is punishable by a
15 term of confinement.

16 830.

17 (a)(2) "Crime" means an act committed by a person in the State that is:

18 (i) A crime under this article;

19 (ii) A violation of the Transportation Article which is punishable by
20 imprisonment; [or]

21 (iii) A crime at common law; OR

22 (IV) A CRIME UNDER § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B),
23 § 3-807(I), § 3-808(D), § 3-811(C), §§ 8-801 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), §
24 11-703(D)(5)(III) AND (F)(4), § 11-705(H), § 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), §
25 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2), § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I),
26 OR § 11-724(H)(2) OF THE CORRECTIONAL SERVICES ARTICLE.

27 837.

28 (c) "Crime" means an act that is committed by any person in the State that
29 would constitute a crime under this article [or], at common law, OR UNDER § 3-218, §
30 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B), § 3-807(I), § 3-808(D), § 3-811(C), §§ 8-801
31 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), § 11-703(D)(5)(III) AND (F)(4), § 11-705(H), §
32 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2),
33 § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I), OR § 11-724(H)(2) OF THE CORRECTIONAL
34 SERVICES ARTICLE.

1

Article 38A - Fires and Investigations

2 34A.

3 Any person who violates § 27A of this subtitle shall be guilty of a felony and,
4 upon conviction, shall be imprisoned for a term of not more than twenty years, or
5 fined not more than ten thousand dollars (\$10,000.00), or both, in the discretion of the
6 court; provided, however, that this section shall not apply to any person who neither
7 intended to use nor used the explosives involved in violation of any provision of Article
8 27 of this Code OR § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B), § 3-807(I), § 3-808(D),
9 § 3-811(C), §§ 8-801 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), § 11-703(D)(5)(III) AND
10 (F)(4), § 11-705(H), § 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), §
11 11-714(C)(6), § 11-715(G)(2), § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I), OR § 11-724(H)(2)
12 OF THE CORRECTIONAL SERVICES ARTICLE.

13 34B.

14 Any person who violates § 31 of this subtitle, or who otherwise aids or counsels
15 in a violation of § 27A of this subtitle, or who commits any other act in furtherance of
16 a violation of § 27A of this subtitle, or who conspires to violate § 27A of this subtitle
17 shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not
18 more than twenty years, or fined not more than ten thousand dollars (\$10,000.00), or
19 both, in the discretion of the court; provided, however, that this section shall not apply
20 to any person who had probable cause to believe that the explosives involved would be
21 used for a purpose other than the violation of a provision of Article 27 of this Code OR
22 § 3-218, § 3-305(C)(2), § 3-409(A) OR (C), § 3-803(B), § 3-807(I), § 3-808(D), § 3-811(C), §§ 8-801
23 THROUGH 8-808, § 9-602(E), § 11-702(B)(8)(I), § 11-703(D)(5)(III) AND (F)(4), § 11-705(H), §
24 11-706(B)(8), § 11-708(B)(8)(II), § 11-711(H)(2), § 11-712(C)(6)(II), § 11-714(C)(6), § 11-715(G)(2),
25 § 11-716(H)(2), § 11-717(F)(2), § 11-723(B)(8)(I), OR § 11-724(H)(2) OF THE CORRECTIONAL
26 SERVICES ARTICLE.

27

Article 41 - Governor - Executive and Administrative Departments

28 18-312.

29 (a) (6) "Good time credits" means deductions from an inmate's term of
30 confinement under [Article 27, § 700(d) of the Code] § 3-704 OF THE CORRECTIONAL
31 SERVICES ARTICLE.

32 (8) "Mandatory supervision" has the meaning stated in [Article 41, §
33 4-501(13) of the Code] § 7-101 OF THE CORRECTIONAL SERVICES ARTICLE.

34 (9) "Parole" has the meaning stated in [Article 41, § 4-501(5) of the
35 Code] § 7-101 OF THE CORRECTIONAL SERVICES ARTICLE.

1 **Article - Courts and Judicial Proceedings**

2 5-106.

3 (b) Notwithstanding [Article 27, § 690(e)] § 9-103(A)(3) OF THE
4 CORRECTIONAL SERVICES ARTICLE or any other provision of the Code, if a statute
5 provides that a misdemeanor is punishable by imprisonment in the penitentiary, the
6 State may institute a prosecution for the offense at any time.

7 5-1001.

8 (b) (2) "Administrative remedy" includes a proceeding under Title 10,
9 Subtitle 2 of the State Government Article or [Article 41, § 4-102.1 of the Code]
10 TITLE 10, SUBTITLE 2 OF THE CORRECTIONAL SERVICES ARTICLE.

11 7-301.

12 (e) The Comptroller shall establish a Law Enforcement and Correctional
13 Training Fund, as provided in [Article 41, § 4-1301 of the Code] TITLE 8, SUBTITLE 3
14 OF THE CORRECTIONAL SERVICES ARTICLE, and the Comptroller shall pay into the
15 Fund one-fourth of all court costs collected by the District Court under subsections (a)
16 and (b)(1) of this section.

17 12-307.

18 The Court of Appeals has:

19 (4) Exclusive appellate jurisdiction over a criminal case in which the
20 death penalty is imposed and any appellate proceeding under [Article 27, § 75A of the
21 Code] § 3-904 OF THE CORRECTIONAL SERVICES ARTICLE.

22 **Article - Labor and Employment**

23 9-221.

24 (a) A prisoner is a covered employee while the prisoner is:

25 (2) engaged in work while under the supervision of State Use Industries
26 in the Federal Prison Industry Enhancement Program as provided in [Article 41, §
27 4-701 of the Code] § 10-308(D) OF THE CORRECTIONAL SERVICES ARTICLE.

28 **Article - State Finance and Procurement**

29 4-406.

30 (g) (2) In accordance with [Article 41, § 4-104.1 of the Code] §§ 10-102
31 THROUGH 10-105 OF THE CORRECTIONAL SERVICES ARTICLE, the Department of
32 Public Safety and Correctional Services shall perform the duties specified in
33 subsections (a), (b), (e), and (f) of this section for State correctional facilities.

1 12-107.

2 (b) Subject to the authority of the Board, jurisdiction over procurement is as
3 follows:

4 (7) the Department of Public Safety and Correctional Services may,
5 without the approval of any of the other primary procurement units:

6 (i) engage in the procurement of construction and construction
7 related services for State correctional facilities; and

8 (ii) engage in the procurement of supplies, materials, and
9 equipment in support of construction and construction related services for State
10 correctional facilities in accordance with this Division II and [Article 41, Title 4,
11 Subtitle 1 of the Code] TITLE 2 AND TITLE 10, SUBTITLE 1 OF THE CORRECTIONAL
12 SERVICES ARTICLE; and

13 14-103.

14 The State or a State aided or controlled entity shall buy supplies and services
15 from:

16 (1) State Use Industries, as provided in [Article 27, §§ 680 through
17 681M of the Code] TITLE 3, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE, if
18 State Use Industries provides the supplies or services;

19 **Article - State Government**

20 9-1607.1.

21 (a) An individual who is not licensed to practice law in this State may
22 represent a party in a proceeding before the Office if:

23 (2) the individual is representing:

24 (iv) a grievant at a proceeding conducted pursuant to [Article 41, §
25 4-102.1 of the Code] TITLE 10, SUBTITLE 2 OF THE CORRECTIONAL SERVICES
26 ARTICLE concerning a grievance submitted to the Inmate Grievance Office, provided
27 the representation is not otherwise restricted for reasons of security or expense
28 pursuant to regulations, rules, directives, or policies adopted by the Division of
29 Correction or Patuxent Institution;

30 **Article - Transportation**

31 8-607.

32 Subject to the provisions of [Article 27, §§ 711A through 726 of the Code] TITLE
33 9, SUBTITLE 5 OF THE CORRECTIONAL SERVICES ARTICLE:

1 (1) The Administration may employ [prisoners] INMATES, from [State
2 penal institutions under the control of] CORRECTIONAL FACILITIES IN the Division of
3 Correction, to perform reconstruction and maintenance work on any highway; and

4 (2) On request of the Administration, the Division of Correction shall
5 provide the Administration with [prisoners] INMATES who, in the sole judgment of
6 the Division of Correction, can be utilized safely for this work with appropriate
7 security.

8 **Article - Correctional Services**

9 3-304.

10 (b) With the Secretary's approval, the Commissioner may contract with a
11 person or a municipal or COUNTY authority to provide food, housing, transportation,
12 and programs to inmates in a prerelease unit for women.

13 3-514.

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

19 3-602.

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

21 (6) to a State's Attorney; [and]

22 (7) [on written request:

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

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

27 3-606.

28 On request, the Division shall provide a copy of a case record maintained under
29 § 3-601 of this subtitle to a managing official of [a]:

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

33 (2) A FEDERAL CORRECTIONAL FACILITY; AND

34 (3) A LOCAL CORRECTIONAL FACILITY.

1 3-704.

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

4 (i) from the first day of commitment to the custody of the
5 Commissioner through the last day of the inmate's [maximum] term of confinement;
6 3-811.

7 (a) The Commissioner or Commissioner's designee may grant family leave to
8 allow an inmate to visit the inmate's family for a reasonable time if the inmate:

9 (2) is classified to be in [minimum security] PRE-RELEASE status; and

10 4-205.

11 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, each
12 action of the Board of Review requires the approval of [a majority of the] 5 members.
13 4-212.

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

18 [4-213.

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

22 4-306.

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

28 5-406.

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

1 6-112.

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

4 (I) THE DEFENDANT;

5 [(i)] (II) the defendant's attorney;

6 [(ii)] (III) the State's Attorney;

7 [(iii)] (IV) a correctional facility;

8 [(iv)] (V) a parole, probation, or pretrial release official of this State,
9 any other state, or the United States;

10 [(v)] (VI) a public or private mental health facility located in this
11 State or any other state if the individual who is the subject of the report has been
12 committed, or is being evaluated for commitment, to the facility for treatment as a
13 condition of probation; or

14 [(vi)] (VII) a community substance abuse treatment provider
15 located in this State or any other state if the individual who is the subject of the
16 report will be treated or evaluated for treatment by the provider as a condition of
17 probation.

18 7-205.

19 (a) The Commission has the exclusive power to:

20 (7) hear cases of parole [suspension or] revocation; and

21 (e) (1) A person who is personally served with a subpoena and who fails to
22 appear or refuses to testify before the Commission is guilty of a misdemeanor and on
23 conviction is subject to a fine of not [less than \$25 and not] more than \$100.

24 7-301.

25 (a) Except as otherwise provided in this section, the Commission shall request
26 that the Division of Parole and Probation make an investigation FOR INMATES IN A
27 LOCAL CORRECTIONAL FACILITY AND THE DIVISION OF CORRECTION MAKE AN
28 INVESTIGATION FOR INMATES IN A STATE CORRECTIONAL FACILITY that will enable
29 the Commission to determine the advisability of granting parole to an inmate who:

30 (1) has been sentenced under the laws of the State to serve a term of 6
31 months or more in a correctional facility; and

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

1 7-306.

2 (c) A hearing examiner shall determine if an inmate is suitable for parole in
3 accordance with the [standards] FACTORS AND OTHER INFORMATION specified in §
4 7-305 of this subtitle.

5 7-307.

6 (b) (1) (i) A Commission panel that consists of two commissioners shall
7 determine, by unanimous vote, whether the inmate is suitable for parole in
8 accordance with the [standards] FACTORS AND OTHER INFORMATION specified in §
9 7-305 of this subtitle.

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

14 7-401.

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

18 7-505.

19 (b) If an inmate who was convicted of a [crime of violence as defined in Article
20 27, § 643B of the Code] VIOLENT CRIME is released on mandatory supervision and
21 the victim made a written request for notification under § 7-801(b)(1)(ii) of this title
22 or filed a notification request form under Article 27, § 770 of the Code, the
23 Department shall notify the victim:

24 (1) if a warrant or subpoena is issued by the Commission for an alleged
25 violation of a condition of mandatory supervision;

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

28 (3) of any punishment imposed for the individual's violation of a
29 condition of mandatory supervision.

30 8-109.

31 (a) A majority of the [members] AUTHORIZED MEMBERSHIP of the
32 Commission is a quorum.

33 8-207.

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

1 (1) a majority of [its members] THE AUTHORIZED MEMBERSHIP OF THE
2 COMMISSION;

3 (b) A majority of the AUTHORIZED MEMBERSHIP OF THE Commission is a
4 quorum.

5 8-502.

6 (a) This section applies whenever the Division of Correction, the Patuxent
7 Institution, or any local correctional facility receives notice of an untried indictment,
8 information, warrant, or complaint against an inmate who:

9 (2) in the case of the Patuxent Institution, is confined at the Patuxent
10 Institution [as an eligible person or for evaluation]; or

11 (c) The request for final disposition required under subsection (b) of this
12 section shall be accompanied by a statement from the managing official having
13 immediate supervision over the inmate setting forth:

14 (6) [any] THE MOST RECENT decision of the Maryland Parole
15 Commission OR THE BOARD OF REVIEW OF THE PATUXENT INSTITUTION relating to
16 the inmate.

17 8-503.

18 (a) On receipt of notice of an untried indictment, information, warrant, or
19 complaint against an inmate who is serving a sentence in a correctional facility in the
20 Division of Correction or against an inmate who is confined [as an eligible person or
21 for evaluation] at the Patuxent Institution, the Division of Correction shall promptly
22 notify the managing official of the correctional facility in which the inmate is confined
23 of the detainer lodged against the inmate and of the untried indictment, information,
24 warrant, or complaint on which it is based.

25 (c) If an inmate is not informed within 1 year of a detainer lodged against the
26 inmate and of the inmate's right to make a request for final disposition of the
27 indictment, information, warrant, or complaint on which the detainer is based:

28 (1) [the court shall no longer have jurisdiction over the indictment,
29 information, warrant, or complaint;

30 (2)] the untried indictment, information, warrant, or complaint shall
31 have no further force or effect; and

32 [(3)] (2) the court shall enter an order dismissing the untried
33 indictment, information, warrant, or complaint without prejudice.

34 (e) If the untried indictment, information, warrant, or complaint for which
35 request for final disposition is made is not brought to trial within the time limitation
36 established under § 8-502 of this subtitle:

1 (1) [the court no longer has jurisdiction over the untried indictment,
2 information, warrant, or complaint;

3 (2)] the untried indictment, information, warrant, or complaint has no
4 further force or effect; and

5 [(3)] (2) the court, on request of the inmate or the inmate's counsel, shall
6 enter an order dismissing the untried indictment, information, warrant, or complaint
7 without prejudice.

8 8-802.

9 (a) An individual may not deliver a weapon to an inmate.

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

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

15 [(c)] (D) An inmate may not receive a weapon.

16 [(d)] (E) An individual who violates this section is guilty of a felony and on
17 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
18 \$5,000 or both.

19 8-808.

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

22 10-209.

23 (c) (1) Within 15 days after receiving a proposed order under subsection (b)(2)
24 of this section, the Secretary shall issue an order affirming, reversing, or modifying
25 the order of the Office of Administrative Hearings, OR REMANDING THE COMPLAINT
26 TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR FURTHER PROCEEDINGS.

27 (3) (ii) [The] UNLESS THE COMPLAINT IS REMANDED, THE Secretary's
28 order constitutes the final decision for purposes of judicial review.

29 10-310.

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

32 11-201.

33 (b) (2) A managing official is responsible for the safekeeping, care, and
34 feeding of inmates [committed to] IN the custody of a local correctional facility.

1 including an inmate who is working on the public highways or going to and from that
2 work, until the inmate is discharged, released, or withdrawn from the local
3 correctional facility by due course of law.

4 11-203.

5 (a) (1) The managing official of a local correctional facility shall provide to
6 an inmate [committed to] IN the custody of the managing official:

7 (i) food and board; and

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

10 11-305.

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

14 11-317.

15 (d) (2) (i) If the remaining term of confinement of the inmate exceeds [6]
16 12 months, the court that committed the inmate may designate the Division of
17 Correction as the agency of custody.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1999.