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By: **Delegates Vallario and Montague (Maryland Commission on Criminal Sentencing Policy)**

Introduced and read first time: February 11, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Commission on Criminal Sentencing Policy -**  
3 **Sentencing and Parole**

4 FOR the purpose of requiring circuit courts at the time of imposing certain sentences  
5 to state in open court the minimum time that the defendant must serve before  
6 becoming eligible for parole; providing that the statement of minimum parole  
7 eligibility is informational and not part of a sentence; repealing a provision  
8 concerning use of judicial guidelines; requiring circuit courts to use certain  
9 sentencing guidelines, worksheets, and departure forms under certain  
10 circumstances; requiring clerks of the circuit courts to send certain records  
11 relating to sentences to the State Commission on Criminal Sentencing Policy;  
12 providing that the failure to give certain statements or make certain records  
13 concerning sentences does not affect the legality or efficacy of a sentence;  
14 authorizing a certain criminal sentence review panel to order a different  
15 sentence, including a decrease in a mandatory minimum sentence otherwise  
16 required by law under certain circumstances; establishing a State Commission  
17 on Criminal Sentencing Policy; establishing the intent of the General Assembly  
18 concerning criminal sentencing; establishing the membership of, appointments  
19 to, terms of the members on, and conditions concerning membership on the  
20 Commission; providing for the initial terms of appointment for the appointed  
21 members of the Commission; providing for certain meetings, rules, and  
22 procedures of the Commission; requiring the Commission to hold its first  
23 meeting no later than a certain date at the call of the Chairperson; requiring  
24 certain State units and local governments and local government units to provide  
25 information to and cooperate with the Commission under certain circumstances;  
26 providing for the employment of a staff under certain circumstances; requiring  
27 the Commission to adopt certain sentencing guidelines under certain  
28 circumstances; requiring the sentencing guidelines to contain certain elements;  
29 requiring the Commission to adopt guidelines concerning corrections options;  
30 requiring the Commission to submit an annual report to the General Assembly  
31 on or before a certain date; requiring the annual report to contain certain  
32 information; requiring the Commission to collect sentencing guideline  
33 worksheets and to automate the information in the worksheets under certain  
34 circumstances; establishing procedures and requirements for changes or

1 modifications to the sentencing guideline matrices by the Commission;  
2 requiring the Commission to conduct certain training, make certain  
3 consultations, and prepare certain statements; requiring the Commission to use  
4 a certain correctional population simulation model and to make the model  
5 available to certain persons under certain circumstances; establishing that  
6 certain inmates are not eligible for parole until they have served a certain  
7 portion of their aggregate sentences under certain circumstances; requiring the  
8 publication of the sentencing guidelines in certain State documents; exempting  
9 the Commission from the Regulatory Review and Evaluation Act; defining  
10 certain terms; making stylistic changes; and generally relating to criminal  
11 sentencing, review of criminal sentences, and parole.

12 BY adding to  
13 Article 27 - Crimes and Punishments  
14 Section 640  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article 27 - Crimes and Punishments  
19 Section 643C, 645JA, and 645JC  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1998 Supplement)

22 BY adding to  
23 Article 41 - Governor - Executive and Administrative Departments  
24 Section 21-101 through 21-108, inclusive, to be under the new title "Title 21.  
25 State Commission on Criminal Sentencing Policy"  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 1998 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - Correctional Services  
30 Section 7-301(a)  
31 Annotated Code of Maryland  
32 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
33 1999)

34 BY repealing and reenacting, with amendments,  
35 Article - State Government  
36 Section 7-205(a) and 10-102(b)  
37 Annotated Code of Maryland  
38 (1995 Replacement Volume and 1998 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 640.

5 (A) AT THE TIME OF IMPOSITION OF A SENTENCE OF INCARCERATION THAT IS  
6 TO BE EXECUTED AND FOR WHICH A DEFENDANT WILL BE ELIGIBLE FOR PAROLE,  
7 THE COURT SHALL STATE IN OPEN COURT THE MINIMUM TIME THE DEFENDANT  
8 MUST SERVE BEFORE BECOMING ELIGIBLE FOR PAROLE.

9 (B) THE STATEMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS  
10 FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT BE CONSIDERED A PART OF  
11 THE SENTENCE.

12 (C) THE FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS OF THIS  
13 SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE  
14 IMPOSED.

15 643C.

16 [(a) Nothing in this article may be construed to prohibit the use of judicial  
17 guidelines in setting sentences.

18 (b) However, the guidelines may not:

19 (1) Prescribe a sentence exceeding the maximum sentence provided by  
20 law; or

21 (2) Be used in violation of any mandatory minimum sentence prescribed  
22 by law.]

23 (A) (1) IN A CASE IN A CIRCUIT COURT INVOLVING A CRIME SUBJECT TO  
24 THE SENTENCING GUIDELINES ESTABLISHED UNDER ARTICLE 41, TITLE 21 OF THE  
25 CODE, THE COURT SHALL:

26 (I) HAVE PRESENTED TO IT THE APPROPRIATE SENTENCING  
27 GUIDELINES WORKSHEET; AND

28 (II) REVIEW AND CONSIDER THE SUITABILITY OF THE APPLICABLE  
29 SENTENCING GUIDELINES.

30 (2) THE COURT SHALL MAKE THE COMPLETED SENTENCING  
31 GUIDELINES WORKSHEET PART OF THE RECORD OF THE CASE.

32 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A  
33 CASE IN A CIRCUIT COURT INVOLVING A CRIME SUBJECT TO THE SENTENCING  
34 GUIDELINES IN WHICH THE COURT IMPOSES A SENTENCE EITHER GREATER OR  
35 LESSER THAN THAT INDICATED IN THE GUIDELINES, THE COURT SHALL FILE A

1 WRITTEN RECORD OF REASONS FOR THE DEPARTURE, USING THE FORM PROVIDED  
2 WITH THE SENTENCING GUIDELINES WORKSHEET.

3 (2) A SENTENCE TO A CORRECTIONS OPTIONS PROGRAM THAT FALLS  
4 WITHIN THE CORRECTIONS OPTIONS ZONE SHOWN ON A MATRIX SHALL CONSTITUTE  
5 A SENTENCE IN COMPLIANCE WITH THE GUIDELINES.

6 (C) FOLLOWING ENTRY OF A FINAL ORDER OF CONVICTION AND SENTENCE  
7 IN A CASE SUBJECT TO THE SENTENCING GUIDELINES, THE CLERK OF THE CIRCUIT  
8 COURT IN WHICH THE CASE WAS TRIED SHALL SEND A COPY OF THE ORDERS, THE  
9 ORIGINAL OF THE SENTENCING GUIDELINES WORKSHEET, AND A COPY OF ANY  
10 DEPARTURE EXPLANATION TO THE STATE COMMISSION ON CRIMINAL SENTENCING  
11 POLICY AS SOON AS POSSIBLE AND NO LATER THAN 30 DAYS AFTER SENTENCING.

12 [(c)] (D) (1) If a court prepares a Maryland sentencing guidelines  
13 worksheet, the clerk of the court shall deliver to the agency that has been ordered by  
14 the court to retain custody of the defendant a copy of the Maryland sentencing  
15 guidelines worksheet with the commitment order or as soon as practicable after  
16 issuance of the commitment order.

17 (2) The Parole Commission shall review a Maryland sentencing  
18 guidelines worksheet for purposes of complying with the requirements of Article 41,  
19 Title 4, Subtitle 5 of the Code.

20 (E) THE FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS OF THIS  
21 SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE  
22 IMPOSED.

23 645JA.

24 (a) Unless [no different sentence could have been imposed or unless] the  
25 sentence was imposed by more than one trial judge, every person convicted of a crime  
26 by any trial court of this State and sentenced to serve, with or without suspension, a  
27 total of more than two years imprisonment in any penal or correctional institution in  
28 this State shall be entitled to have the sentence reviewed by a panel of three or more  
29 trial judges of the judicial circuit in which the sentencing court is located. However, a  
30 person has no right to have any sentence reviewed more than once pursuant to this  
31 section. Notwithstanding any rule of the Court of Appeals to the contrary, the judge  
32 who sentenced the convicted person shall not be one of the members of the panel, but  
33 if he so desires he may sit with the panel in an advisory capacity only.

34 (b) The review of a sentence of death is governed by the provisions of § 414 of  
35 this article.

36 645JC.

37 (a) The panel shall have the right to require the Division of Parole and  
38 Probation to investigate, report, and make recommendations with regard to any such  
39 application for review.

1 (b) (1) The panel shall consider each application for review and shall have  
2 the power, with a hearing, to order a different sentence to be imposed or served,  
3 including, by way of illustration and not by way of limitation, an increased or  
4 decreased sentence, or a suspended sentence to be served in whole or in part, or a  
5 sentence to be suspended with or without probation, upon such terms and conditions  
6 as the panel may deem just and which could lawfully have been imposed by the  
7 sentencing court at the time of the imposition of the sentence under review, or the  
8 panel may decide that the sentence under review should remain unchanged.

9 (2) IN THE MANNER PROVIDED IN THIS SECTION THE PANEL MAY  
10 ORDER A DIFFERENT SENTENCE, INCLUDING A DECREASE, IN A MANDATORY  
11 MINIMUM SENTENCE OTHERWISE REQUIRED BY LAW.

12 (c) Without holding a hearing, the panel may decide that the sentence under  
13 review should remain unchanged.

14 (d) The panel may not increase a sentence for imprisonment for life,  
15 imprisonment for life without the possibility of parole, or a term of years to the  
16 sentence of death.

17 (e) The decision of the panel in each review shall be rendered by a majority of  
18 the members of the panel and shall be rendered within thirty days from the filing  
19 date of the application for review.

20 (f) If the panel orders any different sentence, the panel shall resentence and  
21 notify the convicted person in accordance with the order of the panel.

22 (g) Time served on any sentence under review shall be deemed to have been  
23 served on the sentence substituted.

24 **Article 41 - Governor - Executive and Administrative Departments**

25 TITLE 21. STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

26 21-101.

27 IN THIS TITLE, "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL  
28 SENTENCING POLICY.

29 21-102.

30 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

31 (1) SENTENCING SHOULD BE FAIR AND PROPORTIONAL AND THAT  
32 SENTENCING POLICIES SHOULD REDUCE UNWARRANTED DISPARITY IN SENTENCES  
33 FOR OFFENDERS WHO HAVE COMMITTED SIMILAR OFFENSES AND HAVE SIMILAR  
34 CRIMINAL HISTORIES;

35 (2) SENTENCING POLICIES SHOULD AID CITIZEN UNDERSTANDING OF  
36 THE TIME THAT AN OFFENDER WILL ACTUALLY BE INCARCERATED, IF ANY;

1 (3) PRISON CAPACITY AND PRISON USAGE SHOULD GIVE PRIORITY TO  
2 THE INCARCERATION OF VIOLENT AND CAREER OFFENDERS;

3 (4) SENTENCING POLICIES SHOULD PRESERVE MEANINGFUL JUDICIAL  
4 DISCRETION IN THE IMPOSITION OF SENTENCES AND SUFFICIENT FLEXIBILITY TO  
5 PERMIT INDIVIDUALIZED SENTENCES; AND

6 (5) SENTENCING JUDGES IN EVERY JURISDICTION IN THE STATE  
7 SHOULD BE ABLE TO IMPOSE THE MOST APPROPRIATE CRIMINAL PENALTIES,  
8 INCLUDING CORRECTIONS OPTIONS PROGRAMS FOR APPROPRIATE OFFENDERS.

9 21-103.

10 THERE IS A STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

11 21-104.

12 (A) THE COMMISSION CONSISTS OF 19 MEMBERS AS FOLLOWS:

13 (1) A CHAIRPERSON, APPOINTED BY THE GOVERNOR;

14 (2) THE CHIEF JUDGE OF THE COURT OF APPEALS OR A JUDGE OR  
15 FORMER JUDGE OF THE COURT OF APPEALS OR THE COURT OF SPECIAL APPEALS  
16 DESIGNATED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

17 (3) ONE CIRCUIT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF  
18 THE COURT OF APPEALS;

19 (4) ONE DISTRICT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF  
20 THE COURT OF APPEALS;

21 (5) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

22 (6) ONE STATE'S ATTORNEY WHO IS RECOMMENDED BY THE PRESIDENT  
23 OF THE MARYLAND STATE'S ATTORNEYS ASSOCIATION, APPOINTED BY THE  
24 GOVERNOR;

25 (7) THE PUBLIC DEFENDER OR THE PUBLIC DEFENDER'S DESIGNEE;

26 (8) A CRIMINAL DEFENSE ATTORNEY WHO IS RECOMMENDED BY THE  
27 PRESIDENT OF THE MARYLAND CRIMINAL DEFENSE LAWYERS ASSOCIATION,  
28 APPOINTED BY THE GOVERNOR;

29 (9) TWO MEMBERS OF THE SENATE OF MARYLAND, WITH AT LEAST ONE  
30 MEMBER BEING FROM THE SENATE JUDICIAL PROCEEDINGS COMMITTEE,  
31 APPOINTED BY THE PRESIDENT OF THE SENATE;

32 (10) TWO MEMBERS OF THE HOUSE OF DELEGATES, WITH AT LEAST ONE  
33 MEMBER BEING FROM THE HOUSE JUDICIARY COMMITTEE, APPOINTED BY THE  
34 SPEAKER OF THE HOUSE;

1 (11) THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND  
2 CORRECTIONAL SERVICES OR THE SECRETARY'S DESIGNEE;

3 (12) ONE REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP,  
4 APPOINTED BY THE GOVERNOR;

5 (13) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, APPOINTED BY  
6 THE GOVERNOR;

7 (14) ONE MEMBER WITH A BACKGROUND IN CRIMINAL JUSTICE OR  
8 CORRECTIONS POLICY WHO IS A RECOGNIZED EXPERT IN THE FIELD, APPOINTED BY  
9 THE GOVERNOR;

10 (15) ONE REPRESENTATIVE OF LOCAL DETENTION CENTERS, APPOINTED  
11 BY THE GOVERNOR; AND

12 (16) TWO REPRESENTATIVES OF THE PUBLIC, APPOINTED BY THE  
13 GOVERNOR.

14 (B) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

15 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED.

16 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
17 SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
20 QUALIFIES.

21 (5) AFTER AN APPOINTED MEMBER'S TERM ENDS, THE APPOINTED  
22 MEMBER MAY BE REAPPOINTED.

23 21-105.

24 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A  
25 QUORUM.

26 (B) (1) THE COMMISSION SHALL MEET QUARTERLY AT THE TIMES AND  
27 PLACES THAT IT DETERMINES.

28 (2) THE COMMISSION MAY HOLD ADDITIONAL MEETINGS AT THE CALL  
29 OF THE CHAIRPERSON OR ANY SIX MEMBERS OF THE COMMISSION AFTER GIVING  
30 PROPER NOTICE IN THE MANNER PROVIDED IN THE COMMISSION'S RULES.

31 (C) THE COMMISSION MAY ESTABLISH SUBCOMMITTEES OR ADVISORY  
32 COMMITTEES COMPOSED OF COMMISSION MEMBERS TO ACCOMPLISH THE DUTIES  
33 IMPOSED UNDER THIS SECTION.

34 (D) (1) THE COMMISSION MAY ESTABLISH RULES GOVERNING THE  
35 ADMINISTRATION AND PROCEEDINGS OF THE COMMISSION.

1 (2) CHANGES TO THE GUIDELINES SHALL BE ADOPTED BY A MAJORITY  
2 OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION.

3 (E) THE COMMISSION MAY REQUIRE STATE UNITS AND LOCAL  
4 GOVERNMENTS AND LOCAL GOVERNMENT UNITS TO PROVIDE INFORMATION AS  
5 REQUESTED BY THE COMMISSION.

6 (F) THE COMMISSION MAY APPLY FOR, ACCEPT, AND USE GRANTS OR  
7 FINANCIAL OR OTHER AID FROM ANY PUBLIC OR PRIVATE SOURCE TO ACCOMPLISH  
8 THE DUTIES ESTABLISHED IN THIS TITLE.

9 (G) A MEMBER OF THE COMMISSION:

10 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE  
11 COMMISSION; BUT

12 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
13 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

14 (H) THE COMMISSION SHALL HOLD ANNUALLY A PUBLIC HEARING FOR THE  
15 PURPOSE OF HEARING COMMENTS FROM THE PUBLIC CONCERNING THE ISSUES  
16 THAT ARE BEING STUDIED BY THE COMMISSION.

17 (I) IN ACCORDANCE WITH THE STATE BUDGET THE COMMISSION MAY  
18 EMPLOY A STAFF SELECTED BY THE CHAIRPERSON.

19 (J) THE FOLLOWING STATE UNITS SHALL COOPERATE FULLY WITH THE  
20 COMMISSION:

21 (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;

22 (2) THE DEPARTMENT OF LEGISLATIVE SERVICES;

23 (3) THE ADMINISTRATIVE OFFICE OF THE COURTS;

24 (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
25 SERVICES;

26 (5) THE DEPARTMENT OF BUDGET AND MANAGEMENT;

27 (6) THE DEPARTMENT OF JUVENILE JUSTICE;

28 (7) THE DEPARTMENT OF STATE POLICE; AND

29 (8) THE STATE BOARD OF VICTIM SERVICES.

30 (K) ALL LOCAL GOVERNMENTS AND UNITS OF STATE GOVERNMENT SHALL  
31 COOPERATE FULLY WITH THE COMMISSION.



1 21-106.

2 (A) SUBJECT TO REVISION BY THE COMMISSION, THE COMMISSION SHALL  
3 ADOPT:

4 (1) EXISTING SENTENCING GUIDELINES FOR SENTENCING WITHIN THE  
5 LIMITS ESTABLISHED BY LAW WHICH SHALL BE CONSIDERED BY THE SENTENCING  
6 COURT IN DETERMINING THE APPROPRIATE SENTENCE FOR DEFENDANTS WHO  
7 PLEAD GUILTY OR NOLO CONTENDERE TO, OR WHO WERE FOUND GUILTY OF CRIMES  
8 IN A CIRCUIT COURT; AND

9 (2) THE RECOMMENDATIONS OF THE MARYLAND CRIMINAL  
10 SENTENCING POLICY COMMISSION CONCERNING THE SENTENCING GUIDELINES.

11 (B) THE SENTENCING GUIDELINES SHALL:

12 (1) SPECIFY THE RANGE OF SENTENCES APPLICABLE TO CRIMES OF A  
13 GIVEN DEGREE OF SERIOUSNESS;

14 (2) SPECIFY A RANGE OF INCREASED SEVERITY FOR DEFENDANTS  
15 PREVIOUSLY CONVICTED OF OR ADJUDICATED DELINQUENT FOR ONE OR MORE  
16 CRIMES BEFORE THE CURRENT OFFENSE; AND

17 (3) PROVIDE A LIST OF AGGRAVATING OR MITIGATING CIRCUMSTANCES.

18 (C) (1) THE COMMISSION SHALL ADOPT GUIDELINES TO IDENTIFY  
19 DEFENDANTS WHO WOULD BE APPROPRIATE FOR PARTICIPATION IN CORRECTIONS  
20 OPTIONS PROGRAMS.

21 (2) THE GUIDELINES FOR CORRECTIONS OPTIONS SHALL BE  
22 CONSIDERED BY THE SENTENCING COURT IN DETERMINING WHETHER TO  
23 SENTENCE A DEFENDANT TO CORRECTIONS OPTIONS OR THE ORDINARY SENTENCE  
24 OTHERWISE CALLED FOR BY THE SENTENCING GUIDELINES.

25 (3) IN DECIDING WHETHER TO SENTENCE A DEFENDANT TO  
26 CORRECTIONS OPTIONS, THE SENTENCING COURT SHALL GIVE PRIMARY  
27 CONSIDERATION TO PROTECTION OF PUBLIC SAFETY.

28 (D) (1) THE COMMISSION SHALL UNDERTAKE AN ANNUAL REVIEW OF  
29 SENTENCING POLICY AND PRACTICE AND MAKE A REPORT TO THE GENERAL  
30 ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON  
31 OR BEFORE DECEMBER 1 OF EACH YEAR.

32 (2) THE ANNUAL REPORT SHALL INCLUDE ANY CHANGES TO THE  
33 GUIDELINES MADE DURING THE PRECEDING YEAR.

34 (3) (I) THE ANNUAL REPORT SHALL REVIEW JUDICIAL COMPLIANCE  
35 WITH THE GUIDELINES, INCLUDING COMPLIANCE BY OFFENSE AND BY JUDICIAL  
36 CIRCUIT.

1 (II) IN DETERMINING WHETHER A SENTENCE IS WITHIN THE  
2 GUIDELINES, THE COMMISSION SHALL CONSIDER A SENTENCE TO A CORRECTIONS  
3 OPTIONS PROGRAM AS BEING WITHIN THE GUIDELINES IF THE SENTENCE FALLS  
4 WITHIN A CORRECTIONS OPTIONS ZONE SHOWN ON THE MATRIX.

5 (E) (1) THE COMMISSION SHALL COLLECT SENTENCING GUIDELINES  
6 WORKSHEETS AND AUTOMATE THE INFORMATION WITH THE ASSISTANCE OF THE  
7 ADMINISTRATIVE OFFICE OF THE COURTS.

8 (2) THE COMMISSION SHALL MONITOR SENTENCING PRACTICE AND  
9 RECOMMEND CHANGES TO THE GUIDELINE MATRICES CONSISTENT WITH THE  
10 INTENT OF THIS TITLE.

11 (F) (1) WHEN THE COMMISSION ADOPTS CHANGES TO THE GUIDELINES,  
12 THE CHANGES SHALL BE PUBLISHED IN THE MARYLAND REGISTER AND IN THE  
13 CODE OF MARYLAND REGULATIONS.

14 (2) CHANGES TO THE GUIDELINES SHALL BE EFFECTIVE ON THE LATER  
15 OF:

16 (I) 30 DAYS AFTER PUBLICATION IN THE MARYLAND REGISTER; OR

17 (II) THE DATE SPECIFIED BY THE COMMISSION AND PUBLISHED IN  
18 THE MARYLAND REGISTER.

19 21-107.

20 (A) THE COMMISSION SHALL CONDUCT TRAINING AND ORIENTATION FOR  
21 TRIAL COURT JUDGES, ATTORNEYS, PROBATION OFFICERS, AND OTHER INTERESTED  
22 PARTIES BEFORE THE EFFECTIVE DATE OF THE GUIDELINES.

23 (B) THE COMMISSION SHALL CONSULT WITH THE GENERAL ASSEMBLY WITH  
24 REFERENCE TO IMPLEMENTATION, MANAGEMENT, MAINTENANCE, AND  
25 OPERATIONS OF THE SENTENCING GUIDELINES SYSTEM.

26 (C) THE COMMISSION SHALL PREPARE STATEMENTS CONTAINING FISCAL  
27 AND STATISTICAL INFORMATION ON PROPOSED LEGISLATION AFFECTING  
28 SENTENCING AND CORRECTIONS PRACTICE.

29 21-108.

30 (A) THE COMMISSION SHALL USE A CORRECTIONAL POPULATION  
31 SIMULATION MODEL TO ASSIST IN DETERMINING THE STATE AND LOCAL  
32 CORRECTIONAL RESOURCES THAT:

33 (1) ARE REQUIRED UNDER CURRENT LAWS, POLICIES, AND PRACTICES  
34 RELATING TO SENTENCING, PAROLE, AND MANDATORY SUPERVISION; AND

35 (2) WOULD BE REQUIRED TO IMPLEMENT ANY FUTURE COMMISSION  
36 RECOMMENDATIONS.

1 (B) IF THE COMMISSION'S RECOMMENDATIONS WOULD RESULT IN STATE  
2 AND LOCAL INMATE POPULATIONS THAT WOULD EXCEED THE OPERATING  
3 CAPACITIES OF AVAILABLE FACILITIES, THEN THE COMMISSION SHALL PRESENT  
4 ADDITIONAL SENTENCING MODEL ALTERNATIVES CONSISTENT WITH THESE  
5 CAPACITIES.

6 (C) THE COMMISSION SHALL MAKE THE MODEL AVAILABLE TO RESPOND TO  
7 INQUIRIES FROM ANY MEMBER OF THE GENERAL ASSEMBLY OR THE SECRETARY OF  
8 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN SECOND  
9 PRIORITY TO THE WORK OF THE COMMISSION.

10 **Article - Correctional Services**

11 7-301.

12 (a) (1) Except as otherwise provided in this section, the Commission shall  
13 request that the Division of Parole and Probation make an investigation that will  
14 enable the Commission to determine the advisability of granting parole to an inmate  
15 who:

16 [(1)] (I) has been sentenced under the laws of the State to serve a term  
17 of 6 months or more in a correctional facility; and

18 [(2)] (II) has served in confinement one-fourth of the inmate's aggregate  
19 sentence.

20 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW OR IN A PREDETERMINED  
21 PAROLE RELEASE AGREEMENT, AN INMATE IS NOT ELIGIBLE FOR PAROLE UNTIL  
22 THE INMATE HAS SERVED IN CONFINEMENT ONE-FOURTH OF THE INMATE'S  
23 AGGREGATE SENTENCE.

24 **Article - State Government**

25 7-205.

26 (a) Except as otherwise provided by law, the Code of Maryland Regulations  
27 shall contain the text of:

28 (1) each executive order that is generally permanent in nature;

29 (2) each regulation;

30 (3) each document that the General Assembly requires to be published  
31 with a regulation; [and]

32 (4) THE SENTENCING GUIDELINES ADOPTED BY THE STATE  
33 COMMISSION ON CRIMINAL SENTENCING POLICY; AND

34 [(4)] (5) unless otherwise privileged, each other document that the  
35 Committee permits to be published in the Code of Maryland Regulations.

1 10-102.

2 (b) This subtitle does not apply to:

- 3 (1) a unit in the Legislative Branch of the State government;
- 4 (2) a unit in the Judicial Branch of the State government;
- 5 (3) the Injured Workers' Insurance Fund;
- 6 (4) a board of license commissioners; [or]
- 7 (5) the Forvm for Rural Maryland; OR
- 8 (6) THE STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
10 members of the State Commission on Criminal Sentencing Policy who are subject to  
11 appointment shall expire as follows:

- 12 (1) The circuit court judge in 2001;
- 13 (2) The District Court Judge in 2003;
- 14 (3) The State's Attorney in 2001;
- 15 (4) The criminal defense attorney in 2003;
- 16 (5) One member of the Senate of Maryland in 2001;
- 17 (6) One member of the Senate of Maryland in 2003;
- 18 (7) One member of the House of Delegates in 2001;
- 19 (8) One member of the House of Delegates in 2003;
- 20 (9) The representative from a victim's advocacy group in 2001;
- 21 (10) The representative from law enforcement in 2003;
- 22 (11) The member with a background in criminal justice or corrections policy in  
23 2001;
- 24 (12) One representative of the public in 2001; and
- 25 (13) One representative of the public in 2003.

26 SECTION 3. AND BE IT FURTHER ENACTED, That the Commission shall  
27 hold its first meeting no later than July 15, 1999, at the call of the chairperson.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 1999.

