

HOUSE BILL 602

Unofficial Copy
E2

1999 Regular Session
9lr0800
CF 9lr0799

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

Introduced and read first time: February 11, 1999

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 1999

CHAPTER _____

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

1 circumstances; requiring the sentencing guidelines to contain certain elements;
2 requiring the Commission to adopt guidelines concerning corrections options;
3 requiring the Commission to submit an annual report to the General Assembly
4 on or before a certain date; requiring the annual report to contain certain
5 information; requiring the Commission to collect sentencing guideline
6 worksheets and to automate the information in the worksheets under certain
7 circumstances; ~~establishing procedures and requirements for changes or~~
8 ~~modifications to the sentencing guideline matrices by the Commission requiring~~
9 the Commission to adopt certain sentencing guidelines as regulations subject to
10 the Regulatory Review and Evaluation Act under certain circumstances;
11 requiring the Commission to conduct certain training, make certain
12 consultations, and prepare certain statements; requiring the Commission to use
13 a certain correctional population simulation model and to make the model
14 available to certain persons under certain circumstances; establishing that
15 certain inmates are not eligible for parole until they have served a certain
16 portion of their aggregate sentences under certain circumstances; ~~requiring the~~
17 ~~publication of the sentencing guidelines in certain State documents; exempting~~
18 ~~the Commission from the Regulatory Review and Evaluation Act;~~ defining
19 certain terms; making stylistic changes; and generally relating to criminal
20 sentencing, review of criminal sentences, and parole.

21 BY adding to
22 Article 27 - Crimes and Punishments
23 Section 640
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1998 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 27 - Crimes and Punishments
28 Section 643C, 645JA, and 645JC
29 Annotated Code of Maryland
30 (1996 Replacement Volume and 1998 Supplement)

31 BY adding to
32 Article 41 - Governor - Executive and Administrative Departments
33 Section 21-101 through 21-108, inclusive, to be under the new title "Title 21.
34 State Commission on Criminal Sentencing Policy"
35 Annotated Code of Maryland
36 (1997 Replacement Volume and 1998 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article - Correctional Services
39 Section 7-301(a)
40 Annotated Code of Maryland
41 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
42 1999)

1 ~~BY repealing and reenacting, with amendments,~~
2 ~~Article State Government~~
3 ~~Section 7-205(a) and 10-102(b)~~
4 ~~Annotated Code of Maryland~~
5 ~~(1995 Replacement Volume and 1998 Supplement)~~

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

8 **Article 27 - Crimes and Punishments**

9 640.

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

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

17 (C) THE FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS OF THIS
18 SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE
19 IMPOSED.

20 643C.

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

23 (b) However, the guidelines may not:

24 (1) Prescribe a sentence exceeding the maximum sentence provided by
25 law; or

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

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

31 (I) HAVE PRESENTED TO IT THE APPROPRIATE SENTENCING
32 GUIDELINES WORKSHEET; AND

33 (II) REVIEW AND CONSIDER THE SUITABILITY OF THE APPLICABLE
34 SENTENCING GUIDELINES.

1 (2) IT IS VOLUNTARY FOR THE COURT TO SENTENCE WITHIN THE
2 GUIDELINES.

3 ~~(2)~~ (3) THE COURT SHALL MAKE THE COMPLETED SENTENCING
4 GUIDELINES WORKSHEET PART OF THE RECORD OF THE CASE.

5 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A
6 CASE IN A CIRCUIT COURT INVOLVING A CRIME SUBJECT TO THE SENTENCING
7 GUIDELINES IN WHICH THE COURT IMPOSES A SENTENCE EITHER GREATER OR
8 LESSER THAN THAT INDICATED IN THE GUIDELINES, THE COURT SHALL FILE A
9 WRITTEN RECORD OF REASONS FOR THE DEPARTURE, USING THE FORM PROVIDED
10 WITH THE SENTENCING GUIDELINES WORKSHEET.

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

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

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

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

28 (E) THE FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS OF THIS
29 SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE
30 IMPOSED.

31 645JA.

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

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

3 645JC.

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

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

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

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

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

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

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

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

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

31 TITLE 21. STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

32 21-101.

33 IN THIS TITLE, "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL
34 SENTENCING POLICY.

1 21-102.

2 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

3 (1) SENTENCING SHOULD BE FAIR AND PROPORTIONAL AND THAT
4 SENTENCING POLICIES SHOULD REDUCE UNWARRANTED DISPARITY, INCLUDING
5 ANY RACIAL DISPARITY, IN SENTENCES FOR OFFENDERS WHO HAVE COMMITTED
6 SIMILAR OFFENSES AND HAVE SIMILAR CRIMINAL HISTORIES;

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

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

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

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

17 21-103.

18 THERE IS A STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

19 21-104.

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

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

22 (2) THE CHIEF JUDGE OF THE COURT OF APPEALS OR A JUDGE OR
23 FORMER JUDGE OF THE COURT OF APPEALS OR THE COURT OF SPECIAL APPEALS
24 DESIGNATED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

25 (3) ONE CIRCUIT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF
26 THE COURT OF APPEALS;

27 (4) ONE DISTRICT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF
28 THE COURT OF APPEALS;

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

30 (6) ONE STATE'S ATTORNEY WHO IS RECOMMENDED BY THE PRESIDENT
31 OF THE MARYLAND STATE'S ATTORNEYS ASSOCIATION, APPOINTED BY THE
32 GOVERNOR;

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

1 (8) A CRIMINAL DEFENSE ATTORNEY WHO IS RECOMMENDED BY THE
2 PRESIDENT OF THE MARYLAND CRIMINAL DEFENSE LAWYERS ASSOCIATION,
3 APPOINTED BY THE GOVERNOR;

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

7 (10) TWO MEMBERS OF THE HOUSE OF DELEGATES, WITH AT LEAST ONE
8 MEMBER BEING FROM THE HOUSE JUDICIARY COMMITTEE, APPOINTED BY THE
9 SPEAKER OF THE HOUSE;

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

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

14 (13) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, APPOINTED BY
15 THE GOVERNOR;

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

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

21 (16) TWO REPRESENTATIVES OF THE PUBLIC, APPOINTED BY THE
22 GOVERNOR.

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

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

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

27 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
28 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
29 QUALIFIES.

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

32 21-105.

33 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A
34 QUORUM.

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

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

6 (C) THE COMMISSION MAY ESTABLISH SUBCOMMITTEES OR ADVISORY
7 COMMITTEES COMPOSED OF COMMISSION MEMBERS TO ACCOMPLISH THE DUTIES
8 IMPOSED UNDER THIS SECTION.

9 (D) (1) THE COMMISSION MAY ESTABLISH RULES GOVERNING THE
10 ADMINISTRATION AND PROCEEDINGS OF THE COMMISSION.

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

13 (E) THE COMMISSION MAY REQUIRE STATE UNITS AND LOCAL
14 GOVERNMENTS AND LOCAL GOVERNMENT UNITS TO PROVIDE INFORMATION AS
15 REQUESTED BY THE COMMISSION.

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

19 (G) A MEMBER OF THE COMMISSION:

20 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE
21 COMMISSION; BUT

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

24 (H) THE COMMISSION SHALL HOLD AT LEAST ANNUALLY A PUBLIC HEARING
25 FOR THE PURPOSE OF HEARING COMMENTS FROM THE PUBLIC CONCERNING THE
26 ISSUES THAT ARE BEING STUDIED BY THE COMMISSION.

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

29 ~~(J) THE FOLLOWING STATE UNITS SHALL COOPERATE FULLY WITH THE~~
30 ~~COMMISSION:~~

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

32 ~~(2) THE DEPARTMENT OF LEGISLATIVE SERVICES;~~

33 ~~(3) THE ADMINISTRATIVE OFFICE OF THE COURTS;~~

34 ~~(4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~
35 ~~SERVICES;~~

- 1 (5) ~~THE DEPARTMENT OF BUDGET AND MANAGEMENT;~~
- 2 (6) ~~THE DEPARTMENT OF JUVENILE JUSTICE;~~
- 3 (7) ~~THE DEPARTMENT OF STATE POLICE; AND~~
- 4 (8) ~~THE STATE BOARD OF VICTIM SERVICES.~~

5 ~~(K)~~ (J) ALL LOCAL GOVERNMENTS AND UNITS OF STATE GOVERNMENT
6 SHALL COOPERATE ~~FULLY~~ WITH THE COMMISSION.

7 21-106.

8 (A) SUBJECT TO REVISION BY THE COMMISSION, AND AFTER CONSIDERATION
9 OF THE RECOMMENDATIONS OF THE MARYLAND COMMISSION ON CRIMINAL
10 SENTENCING POLICY, THE COMMISSION SHALL ADOPT:

11 (1) EXISTING SENTENCING GUIDELINES FOR SENTENCING WITHIN THE
12 LIMITS ESTABLISHED BY LAW WHICH SHALL BE CONSIDERED BY THE SENTENCING
13 COURT IN DETERMINING THE APPROPRIATE SENTENCE FOR DEFENDANTS WHO
14 PLEAD GUILTY OR NOLO CONTENDERE TO, OR WHO WERE FOUND GUILTY OF CRIMES
15 IN A CIRCUIT COURT; ~~AND~~

16 (2) ~~THE RECOMMENDATIONS OF THE MARYLAND CRIMINAL~~
17 ~~SENTENCING POLICY COMMISSION CONCERNING THE SENTENCING GUIDELINES.~~

18 (B) THE SENTENCING GUIDELINES SHALL:

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

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

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

25 (C) (1) THE COMMISSION SHALL ADOPT GUIDELINES TO IDENTIFY
26 DEFENDANTS WHO WOULD BE APPROPRIATE FOR PARTICIPATION IN CORRECTIONS
27 OPTIONS PROGRAMS.

28 (2) THE GUIDELINES FOR CORRECTIONS OPTIONS SHALL BE
29 CONSIDERED BY THE SENTENCING COURT IN DETERMINING WHETHER TO
30 SENTENCE A DEFENDANT TO CORRECTIONS OPTIONS OR THE ORDINARY SENTENCE
31 OTHERWISE CALLED FOR BY THE SENTENCING GUIDELINES.

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

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

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

7 (3) (I) THE ANNUAL REPORT SHALL REVIEW JUDICIAL COMPLIANCE
8 WITH THE GUIDELINES, INCLUDING COMPLIANCE BY OFFENSE AND BY JUDICIAL
9 CIRCUIT.

10 (II) IN DETERMINING WHETHER A SENTENCE IS WITHIN THE
11 GUIDELINES, THE COMMISSION SHALL CONSIDER A SENTENCE TO A CORRECTIONS
12 OPTIONS PROGRAM AS BEING WITHIN THE GUIDELINES IF THE SENTENCE FALLS
13 WITHIN A CORRECTIONS OPTIONS ZONE SHOWN ON THE MATRIX.

14 (E) (1) THE COMMISSION SHALL COLLECT SENTENCING GUIDELINES
15 WORKSHEETS AND AUTOMATE THE INFORMATION WITH THE ASSISTANCE OF THE
16 ADMINISTRATIVE OFFICE OF THE COURTS.

17 (2) THE COMMISSION SHALL MONITOR SENTENCING PRACTICE AND
18 ~~RECOMMEND~~ ADOPT CHANGES TO THE GUIDELINE MATRICES CONSISTENT WITH
19 THE INTENT OF THIS TITLE.

20 ~~(F) (1) WHEN THE COMMISSION ADOPTS CHANGES TO THE GUIDELINES,
21 THE CHANGES SHALL BE PUBLISHED IN THE MARYLAND REGISTER AND IN THE
22 CODE OF MARYLAND REGULATIONS.~~

23 ~~(2) CHANGES TO THE GUIDELINES SHALL BE EFFECTIVE ON THE LATER
24 OF:~~

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

26 ~~(II) THE DATE SPECIFIED BY THE COMMISSION AND PUBLISHED IN
27 THE MARYLAND REGISTER.~~

28 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION
29 SHALL ADOPT SENTENCING GUIDELINES AND ANY CHANGES TO THOSE GUIDELINES
30 AS REGULATIONS SUBJECT TO THE REQUIREMENTS OF TITLE 10, SUBTITLE 1 OF THE
31 STATE GOVERNMENT ARTICLE.

32 (2) ANY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
33 SUBSECTION ARE VOLUNTARY GUIDELINES THAT MAY NOT BE CONSTRUED TO
34 REQUIRE A COURT TO ADOPT OR IMPOSE ANY GUIDELINE CONTAINED IN THE
35 REGULATIONS.

36 (3) ANY CHANGE TO THE GUIDELINES SHALL BE EFFECTIVE ON THE
37 DATE THAT THE REGULATIONS TAKE EFFECT AS PROVIDED UNDER TITLE 10,
38 SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

1 21-107.

2 (A) THE COMMISSION SHALL CONDUCT TRAINING AND ORIENTATION FOR
3 TRIAL COURT JUDGES, ATTORNEYS, PROBATION OFFICERS, AND OTHER INTERESTED
4 PARTIES ~~BEFORE THE EFFECTIVE DATE OF THE GUIDELINES~~ PERIODICALLY AS MAY
5 BE REQUIRED.

6 (B) THE COMMISSION SHALL CONSULT WITH THE GENERAL ASSEMBLY WITH
7 REFERENCE TO IMPLEMENTATION, MANAGEMENT, MAINTENANCE, AND
8 OPERATIONS OF THE SENTENCING GUIDELINES SYSTEM.

9 (C) THE COMMISSION SHALL PREPARE STATEMENTS CONTAINING FISCAL
10 AND STATISTICAL INFORMATION ON PROPOSED LEGISLATION AFFECTING
11 SENTENCING AND CORRECTIONS PRACTICE.

12 21-108.

13 (A) THE COMMISSION SHALL USE A CORRECTIONAL POPULATION
14 SIMULATION MODEL TO ASSIST IN DETERMINING THE STATE AND LOCAL
15 CORRECTIONAL RESOURCES THAT:

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

18 (2) WOULD BE REQUIRED TO IMPLEMENT ANY FUTURE COMMISSION
19 RECOMMENDATIONS FOR LEGISLATION OR CHANGES TO THE GUIDELINES.

20 (B) IF THE COMMISSION'S RECOMMENDATIONS FOR CHANGES IN
21 LEGISLATION WOULD RESULT IN STATE AND LOCAL INMATE POPULATIONS THAT
22 WOULD EXCEED THE OPERATING CAPACITIES OF AVAILABLE FACILITIES, THEN THE
23 COMMISSION SHALL PRESENT ADDITIONAL SENTENCING MODEL ALTERNATIVES
24 CONSISTENT WITH THESE CAPACITIES.

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

29 **Article - Correctional Services**

30 7-301.

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

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

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

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

7 ~~Article—State Government~~

8 ~~7-205.~~

9 (a) ~~Except as otherwise provided by law, the Code of Maryland Regulations~~
10 ~~shall contain the text of:~~

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

12 (2) ~~each regulation;~~

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

15 (4) ~~THE SENTENCING GUIDELINES ADOPTED BY THE STATE~~
16 ~~COMMISSION ON CRIMINAL SENTENCING POLICY; AND~~

17 ~~[(4)] (5) unless otherwise privileged, each other document that the~~
18 ~~Committee permits to be published in the Code of Maryland Regulations.~~

19 ~~10-102.~~

20 (b) ~~This subtitle does not apply to:~~

21 (1) ~~a unit in the Legislative Branch of the State government;~~

22 (2) ~~a unit in the Judicial Branch of the State government;~~

23 (3) ~~the Injured Workers' Insurance Fund;~~

24 (4) ~~a board of license commissioners; [or]~~

25 (5) ~~the Forum for Rural Maryland; OR~~

26 (6) ~~THE STATE COMMISSION ON CRIMINAL SENTENCING POLICY.~~

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

30 (1) The circuit court judge in 2001;

31 (2) The District Court Judge in 2003;

- 1 (3) The State's Attorney in 2001;
- 2 (4) The criminal defense attorney in 2003;
- 3 (5) One member of the Senate of Maryland in 2001;
- 4 (6) One member of the Senate of Maryland in 2003;
- 5 (7) One member of the House of Delegates in 2001;
- 6 (8) One member of the House of Delegates in 2003;
- 7 (9) The representative from a victim's advocacy group in 2001;
- 8 (10) The representative from law enforcement in 2003;
- 9 (11) The member with a background in criminal justice or corrections policy in
10 2001;
- 11 (12) One representative of the public in 2001; and
- 12 (13) One representative of the public in 2003.

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

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