

SENATE BILL 388

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1999 Regular Session
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By: **Senators McCabe, Forehand, and Kelley (Maryland Commission on Criminal Sentencing Policy)**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

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.

