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By: Chairman, Judiciary Committee (Departmental - Public Safety and

# By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)

Introduced and read first time: February 10, 2000

Assigned to: Judiciary

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### A BILL ENTITLED

## 1 AN ACT concerning

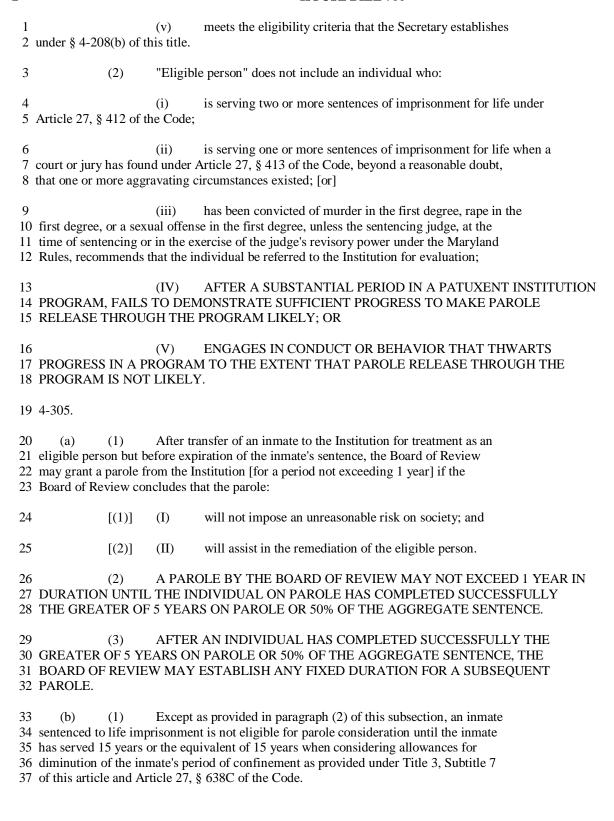
# 2 Patuxent Institution - Board of Review - Eligible Persons

- 3 FOR the purpose of clarifying and altering the definition of eligible person; extending
- 4 the duration of parole under certain circumstances; allowing for the abrogation
- of parole supervision under certain circumstances; limiting the Board of
- Review's authority to request that a court vacate or suspend the remainder of a
- 7 sentence; granting the Board of Review the authority to impose special
- 8 conditions on mandatory supervision releases; and generally relating to the
- 9 Patuxent Institution programs.
- 10 BY repealing and reenacting, with amendments,
- 11 Article Correctional Services
- 12 Section 4-101(e), 4-305, and 7-502
- 13 Annotated Code of Maryland
- 14 (1999 Volume)
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 16 MARYLAND, That the Laws of Maryland read as follows:

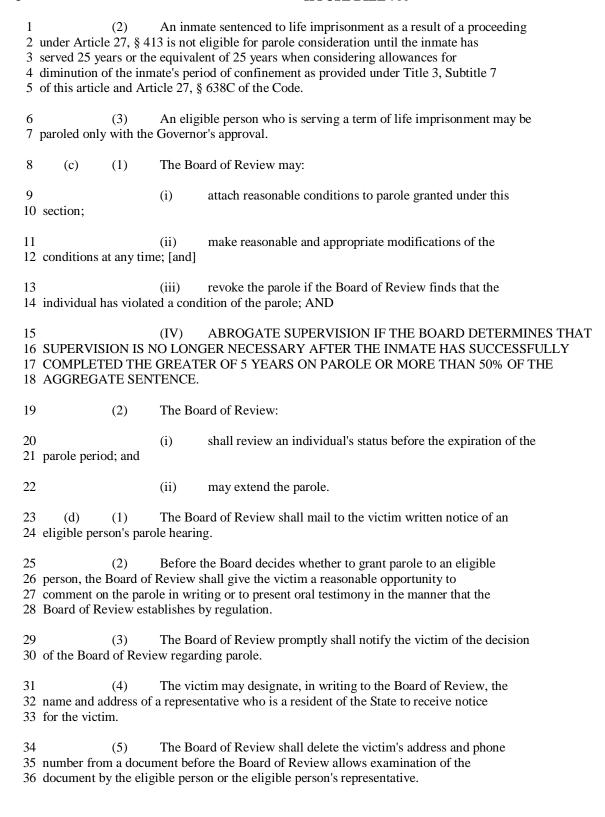
## 17 Article - Correctional Services

- 18 4-101.
- 19 (e) (1) "Eligible person" means an individual who:
- 20 (i) has been convicted of a crime and is serving a sentence of
- 21 imprisonment with at least 3 years remaining on the sentence;
- 22 (ii) has an intellectual impairment or emotional imbalance;
- 23 (iii) is likely to respond favorably to the programs and services that
- 24 the Institution provides;
- 25 (iv) can better respond to remediation through those programs and
- 26 services than by other incarceration; and

#### **HOUSE BILL 700**



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1 2	(e) The Board of Review may not release an eligible person on parole until the Secretary approves the parole decision.	
5 6	(f) (1) If an individual COMMITTED AN OFFENSE ON OR BEFORE OCTOBER 1, 1999 FOR WHICH PAROLE HAS BEEN GRANTED AND has completed successfully 3 years on THAT parole without violation and the Board of Review concludes that the individual is safe to be permanently released, the Board of Review, through the Director, may petition the court that last sentenced the individual to:	!
8 9	(i) suspend the individual's remaining sentence and terminate parole supervision on the conditions the court considers appropriate; or	
10	(ii) vacate the individual's remaining sentence.	
11 12	(2) (i) The Director shall serve notice of the petition on the victim and the State's Attorney who last prosecuted the individual.	
13	(ii) The State's Attorney shall be a party to the proceeding.	
14 15	(3) After a hearing, the court may either grant or deny the relief requested in the petition.	
16	7-502.	
17 18	(a) An individual on mandatory supervision remains in legal custody until the expiration of the individual's full term.	
19	(b) An individual on mandatory supervision is subject to:	
20	(1) all laws, rules, regulations, and conditions that apply to parolees; and	
	(2) any special conditions established by a commissioner OR, IF RELEASED FROM A PATUXENT INSTITUTION PROGRAM, THE PATUXENT INSTITUTION BOARD OF REVIEW.	1C
24 25	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.	