
By: **Senator Van Hollen**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Sentencing - Annual Reporting by State Commission on Criminal**
3 **Sentencing Policy - Crimes of Violence**

4 FOR the purpose of requiring the State Commission on Criminal Sentencing Policy to
5 annually report and review compliance by each circuit court judge in each
6 judicial circuit with the sentencing guidelines for each conviction of certain
7 criminal offenses; and generally relating to the reporting and review of judicial
8 compliance with criminal sentencing guidelines by the State Commission on
9 Criminal Sentencing Policy.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 643B(a)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Procedure
17 Section 6-209
18 Annotated Code of Maryland
19 (As enacted by Chapter___(S.B. 1) of the Acts of the General Assembly of 2001)

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

22 **Article 27 - Crimes and Punishments**

23 643B.

24 (a) As used in this section, the term "crime of violence" means abduction;
25 arson in the first degree; kidnapping; manslaughter, except involuntary
26 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
27 and 386 of this article; murder; rape; robbery under § 486 or § 487 of this article;
28 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in

1 the second degree; use of a handgun in the commission of a felony or other crime of
2 violence; an attempt to commit any of the aforesaid offenses; assault in the first
3 degree; and assault with intent to murder, assault with intent to rape, assault with
4 intent to rob, assault with intent to commit a sexual offense in the first degree, and
5 assault with intent to commit a sexual offense in the second degree, as these crimes
6 were previously proscribed under former § 12 of this article.

7 The term "correctional institution" includes Patuxent Institution and a local or
8 regional jail or detention center.

9 **Article - Criminal Procedure**

10 6-209.

11 (a) The Commission shall review annually sentencing policy and practice and,
12 on or before December 1 of each year, report to the General Assembly in accordance
13 with § 2-1246 of the State Government Article.

14 (b) (1) The report shall:

15 (i) include any changes to the sentencing guidelines made during
16 the preceding year; and

17 (ii) review judicial compliance with the sentencing guidelines,
18 including:

19 1. compliance by crime and by judicial circuit; AND

20 2. COMPLIANCE BY EACH CIRCUIT COURT JUDGE IN EACH
21 JUDICIAL CIRCUIT WITH THE SENTENCING GUIDELINES FOR EACH CONVICTION OF A
22 CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B(A) OF THE CODE.

23 (2) The Commission shall consider a sentence to a corrections options
24 program to be within the sentencing guidelines if the sentence falls within a
25 corrections options zone shown on the matrix for property offenses, drug offenses, or
26 offenses against persons.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.