

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 439 (Senator Haines, *et al.*)

Judicial Proceedings

Judiciary

**Criminal Procedure - Review of Sentence - Exception for Handgun and Assault
Pistol Crimes**

This bill prohibits a three-judge sentence review panel from decreasing a mandatory minimum sentence imposed for crimes involving the use of handguns or assault pistols in a felony or crime of violence.

Fiscal Summary

State Effect: Minimal. Since the rate at which review panels currently decrease any sentence is low, this bill is not expected to have a significant effect on State correctional costs.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Judicial review panels have the authority, with a hearing, to order a different sentence to be imposed or served by a convicted inmate. A ruling by a panel may increase, decrease, or suspend a sentence (in whole or in part) with or without probation or conditions. A ruling may also allow a current sentence to stand without a hearing. However, a mandatory minimum sentence may not be decreased unless the panel's decision is unanimous. Life imprisonment sentences and death sentences may not be increased. A review panel has the right to require the Division of Parole and

Probation to investigate, report, and make recommendations on the application for review.

Background: The authority of a judicial review panel to order a different sentence, including a decrease, in a mandatory minimum sentence was granted under Chapter 648 of 1999. In fiscal 2000, 110 petitions were filed for a review of sentence by a judicial review panel. Of the cases that were heard in 2000, 97 sentences were unchanged, 6 sentences were decreased, and 12 petitions were withdrawn. Not all petitions are heard in the same year of filing. It is unknown how many reviewed sentences involved mandatory minimum sentences for handgun or assault pistol offenses.

Additional Information

Prior Introductions: The same bill was introduced as HB 992 in 2000. After a hearing before the Judiciary Committee, no further action was taken on it.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader – March 2, 2001
ef/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510