
By: **Delegates Marriott, Dobson, Kirk, Oaks, Paige, and Phillips**
Introduced and read first time: February 4, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Review of Mandatory Minimum Sentences -**
3 **Retroactive Effect**

4 FOR the purpose of allowing a person who is serving a term of confinement that
5 includes a mandatory minimum sentence imposed before a certain date to apply
6 for and receive a review of the mandatory minimum sentence under certain
7 circumstances; providing for the termination of this Act; and generally relating
8 to review of criminal sentences.

9 BY repealing and reenacting, without amendments,
10 Article - Criminal Procedure
11 Section 8-102
12 Annotated Code of Maryland
13 (2001 Volume)

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

16 **Article - Criminal Procedure**

17 8-102.

18 (a) Except as provided in subsection (b) of this section, a person convicted of a
19 crime by a circuit court and sentenced to serve a sentence that exceeds 2 years in a
20 correctional facility is entitled to a single sentence review by a review panel.

21 (b) A person is not entitled:

22 (1) to a sentence review if the sentence was imposed by more than one
23 circuit court judge; or

24 (2) to a review of an order requiring a suspended part of a sentence to be
25 served if:

26 (i) the sentence originally was wholly or partly suspended;

- 1 (ii) the sentence was reviewed; and
- 2 (iii) the suspended sentence or suspended part of that sentence later
- 3 was required to be served.

4 (c) For purposes of this subtitle, a sentence that exceeds 2 years is a sentence

5 in which the total period of the sentence and any unserved time of a prior or

6 simultaneous sentence exceeds 2 years, including:

- 7 (1) a sentence imposed by a circuit court;
- 8 (2) a requirement by a circuit court that all or part of a suspended
- 9 sentence be served; and
- 10 (3) a prior or simultaneous sentence, suspended or not suspended, that
- 11 has been imposed by a court or other authority of the State or of another jurisdiction.

12 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any

13 other law to the contrary, a person who is serving a term of confinement that includes

14 a mandatory minimum sentence imposed before July 1, 2001, may apply for and

15 receive one review of the mandatory minimum sentence as provided in § 8-102 of the

16 Criminal Procedure Article, if the application for review is filed on or before

17 September 30, 2003.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

19 October 1, 2002. It shall remain effective for a period of 1 year and, at the end of

20 September 30, 2003, with no further action required by the General Assembly, this

21 Act shall be abrogated and of no further force and effect.