
By: **Senator Van Hollen**
Introduced and read first time: January 28, 2002
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 - Criminal Law
12 Section 14-101(a)
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Procedure
18 Section 6-209
19 Annotated Code of Maryland
20 (2001 Volume)

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

23 **Article - Criminal Law**

24 14-101.

25 (a) In this section, "crime of violence" means:

26 (1) abduction;

27 (2) arson in the first degree;

- 1 (3) kidnapping;
- 2 (4) manslaughter, except involuntary manslaughter;
- 3 (5) mayhem;
- 4 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
5 the Code;
- 6 (7) murder;
- 7 (8) rape;
- 8 (9) robbery under § 3-402 or § 3-403 of this article;
- 9 (10) carjacking;
- 10 (11) armed carjacking;
- 11 (12) sexual offense in the first degree;
- 12 (13) sexual offense in the second degree;
- 13 (14) use of a handgun in the commission of a felony or other crime of
14 violence;
- 15 (15) an attempt to commit any of the crimes described in items (1)
16 through (14) of this subsection;
- 17 (16) assault in the first degree;
- 18 (17) assault with intent to murder;
- 19 (18) assault with intent to rape;
- 20 (19) assault with intent to rob;
- 21 (20) assault with intent to commit a sexual offense in the first degree; and
- 22 (21) assault with intent to commit a sexual offense in the second degree.

23

Article - Criminal Procedure

24 6-209.

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

28 (b) (1) The report shall:

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

3 (ii) review judicial compliance with the sentencing guidelines,
4 including:

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

6 2. COMPLIANCE BY EACH CIRCUIT COURT JUDGE IN EACH
7 JUDICIAL CIRCUIT WITH THE SENTENCING GUIDELINES FOR EACH CONVICTION OF A
8 CRIME OF VIOLENCE AS DEFINED IN § 14-101(A) OF THE CRIMINAL LAW ARTICLE.

9 (2) The Commission shall consider a sentence to a corrections options
10 program to be within the sentencing guidelines if the sentence falls within a
11 corrections options zone shown on the matrix.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2002.