

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1143 (Delegate O'Donnell, *et al.*)
Judiciary

Judicial Proceedings

State Commission on Criminal Sentencing Policy - Annual Report

This bill requires the annual report of the State Commission on Criminal Sentencing Policy to include information that reviews reductions or increases in original sentences resulting from crimes of violence that have occurred as a result of a reconsideration of sentence. The report must also categorize information on the number of reconsiderations of sentences granted by violent crime offenses and by judicial circuit.

Fiscal Summary

State Effect: The requirements of this bill could be handled with the existing budgeted resources of the State Commission on Criminal Sentencing Policy.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Commission on Criminal Sentencing Policy is required to annually review sentencing policy and practice generally and, by December 1 of each year, report to the General Assembly on any changes made to the sentencing guidelines during the previous year. The commission also is required to report judicial compliance with the sentencing guidelines, listed by crime and by judicial circuit.

In addition, the commission must adopt guidelines to identify defendants who would be appropriate for participation in corrections options programs (i.e., electronic monitoring,

home detention, boot camp prison programs, and community supervision and drug treatment and rehabilitation programs).

Background: The State Commission on Criminal Sentencing Policy, established in 1999, is charged with adopting existing sentencing guidelines for sentencing and the recommendations from the 1998 final report of the Maryland Commission on Criminal Sentencing Policy concerning those guidelines. The guidelines are to be considered by a sentencing court in determining the appropriate sentence for a defendant who pleads guilty or nolo contendere to, or who was found guilty of, a crime in a circuit court.

Under Maryland Rule 4-345 (the court rules adopted by the Court of Appeals), within 90 days of a sentence a defendant may file a motion to modify, reduce, or correct a sentence. There is no time requirement for the court to act on the motion.

Additional Information

Prior Introductions: In 2001 HB 1350 passed the House, had a hearing before the Senate Judicial Proceedings Committee, and had no further action taken on it.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2002
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