
By: **Delegates Marriott, Anderson, Benson, Carter, Dumais, Gutierrez,
Howard, Jones, Kaiser, Kirk, Lee, Nathan-Pulliam, Paige, Patterson, F.
Turner, and V. Turner**

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CHAPTER _____

1 AN ACT concerning

2 **Burglary and Daytime Housebreaking - Mandatory Sentences - Retroactive**
3 **Effect**

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

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Procedure
12 Section 8-102
13 Annotated Code of Maryland
14 (2001 Volume and 2002 Supplement)

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

17 **Article - Criminal Procedure**

18 8-102.

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

1 (b) A person is not entitled:

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

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

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

7 (ii) the sentence was reviewed; and

8 (iii) the suspended sentence or suspended part of that sentence later
9 was required to be served.

10 (c) For purposes of this subtitle, a sentence that exceeds 2 years is a sentence
11 in which the total period of the sentence and any unserved time of a prior or
12 simultaneous sentence exceeds 2 years, including:

13 (1) a sentence imposed by a circuit court;

14 (2) a requirement by a circuit court that all or part of a suspended
15 sentence be served; and

16 (3) a prior or simultaneous sentence, suspended or not suspended, that
17 has been imposed by a court or other authority of the State or of another jurisdiction.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
19 other law to the contrary, a person who is serving a term of confinement for burglary
20 or daytime housebreaking that includes a mandatory minimum sentence imposed
21 before October 1, 1994, may apply for and receive one review of the mandatory
22 minimum sentence as provided in § 8-102 of the Criminal Procedure Article, if the
23 application for review is filed on or before September 30, 2004.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2003. It shall remain effective for a period of 1 year and, at the end of
26 September 30, 2004, with no further action required by the General Assembly, this
27 Act shall be abrogated and of no further force and effect.