
By: **Delegates Quinter, Feldman, Kelly, and Shank**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Armed Criminal Lockup Act**

3 FOR the purpose of prohibiting a person convicted of certain crimes of violence from
4 possessing a firearm while on certain conditional release from confinement for
5 the conviction; providing that a person detained on probable cause of committing
6 a certain violation may not be released until a certain finding is made; requiring
7 a court or the Maryland Parole Commission to revoke the conditional release of
8 certain persons under certain circumstances; prohibiting certain persons from
9 being subsequently released under certain circumstances; prohibiting a child
10 adjudicated delinquent for certain delinquent acts from possessing a firearm
11 while on certain conditional release from certain detention; providing that a
12 child detained on probable cause of committing a certain violation may not be
13 released until a certain finding is made; requiring a court to revoke the
14 conditional release of certain children under certain circumstances; prohibiting
15 certain children from being subsequently released under certain circumstances;
16 clarifying that a prosecution or certain penalties for certain crimes is not
17 prohibited by this Act; defining certain terms; and generally relating to
18 conditional release from confinement.

19 BY adding to
20 Article - Criminal Procedure
21 Section 6-229
22 Annotated Code of Maryland
23 (2001 Volume and 2002 Supplement)

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

26 **Article - Criminal Procedure**

27 6-229.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

1 (2) "COMMISSION" MEANS THE MARYLAND PAROLE COMMISSION.

2 (3) (I) "CONDITIONAL RELEASE" MEANS ANY RELEASE FROM, OR
3 ALTERNATIVE TO, A SENTENCE OF IMPRISONMENT OR OTHER FORM OF
4 CONFINEMENT.

5 (II) "CONDITIONAL RELEASE" INCLUDES ANY FORM OF:

6 1. SUSPENDED SENTENCE UNDER § 6-219 OF THIS SUBTITLE;

7 2. PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THIS
8 SUBTITLE;

9 3. SUSPENDED SENTENCE OR PROBATION AFTER
10 JUDGMENT UNDER § 6-221 OF THIS SUBTITLE;

11 4. HOME DETENTION PROGRAM;

12 5. ELECTRONIC MONITORING PROGRAM;

13 6. WORK RELEASE PROGRAM;

14 7. PAROLE OR MANDATORY SUPERVISION UNDER TITLE 7 OF
15 THE CORRECTIONAL SERVICES ARTICLE;

16 8. CORRECTIONS OPTIONS PROGRAM REQUIRING
17 PARTICIPATION IN HOME DETENTION, INPATIENT TREATMENT, INPATIENT DRUG OR
18 ALCOHOL TREATMENT, OR OTHER SIMILAR PROGRAM; OR

19 9. AS IT RELATES TO A CHILD WHO IS ADJUDICATED
20 DELINQUENT UNDER TITLE 3, SUBTITLE 8A OF THE COURTS AND JUDICIAL
21 PROCEEDINGS ARTICLE, RELEASE FROM DETENTION.

22 (4) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THE
23 CRIMINAL LAW ARTICLE.

24 (5) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC
25 SAFETY ARTICLE.

26 (B) (1) IF A PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, THE
27 PERSON MAY NOT POSSESS A FIREARM WHILE ON CONDITIONAL RELEASE FROM
28 CONFINEMENT FOR THAT CONVICTION.

29 (2) A PERSON DETAINED ON PROBABLE CAUSE OF VIOLATING
30 PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE RELEASED PRIOR TO A FINDING
31 BY A COURT OR THE COMMISSION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

32 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A COURT OR
33 THE COMMISSION FINDS THE PERSON TO BE IN VIOLATION OF PARAGRAPH (1) OF
34 THIS SUBSECTION, THE COURT OR THE COMMISSION SHALL IMMEDIATELY REVOKE
35 THE CONDITIONAL RELEASE OF THE PERSON.

1 (4) UPON A FINDING OF A VIOLATION UNDER PARAGRAPH (3) OF THIS
2 SUBSECTION, THE PERSON MAY NOT BE SUBSEQUENTLY RELEASED ON
3 CONDITIONAL RELEASE AND SHALL SERVE THE REMAINDER OF THE PERSON'S
4 ORIGINAL SENTENCE IN CONFINEMENT.

5 (C) (1) IF A CHILD HAS BEEN ADJUDICATED A DELINQUENT UNDER TITLE 3,
6 SUBTITLE 8A OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR A
7 DELINQUENT ACT THAT WOULD BE A CRIME OF VIOLENCE IF COMMITTED BY AN
8 ADULT, THE CHILD MAY NOT POSSESS A FIREARM WHILE ON CONDITIONAL RELEASE
9 FROM DETENTION BASED ON THAT ADJUDICATION.

10 (2) A CHILD DETAINED ON PROBABLE CAUSE OF VIOLATING PARAGRAPH
11 (1) OF THIS SUBSECTION MAY NOT BE RELEASED PRIOR TO A FINDING BY THE COURT
12 UNDER PARAGRAPH (3) OF THIS SUBSECTION.

13 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A COURT
14 FINDS THE CHILD TO BE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION, THE
15 COURT SHALL IMMEDIATELY REVOKE THE CONDITIONAL RELEASE OF THE CHILD.

16 (4) UPON A FINDING OF A VIOLATION UNDER PARAGRAPH (3) OF THIS
17 SUBSECTION, THE CHILD MAY NOT BE SUBSEQUENTLY RELEASED ON CONDITIONAL
18 RELEASE AND SHALL SERVE THE REMAINDER OF THE CHILD'S ORIGINAL PERIOD OF
19 DETENTION.

20 (D) THIS SECTION DOES NOT PROHIBIT ANY PROSECUTION OR PENALTY
21 BEING IMPOSED FOR A CRIME COMMITTED BY A PERSON WHILE ON CONDITIONAL
22 RELEASE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2003.