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By: **Senator Gladden**

Introduced and read first time: January 29, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Criminal Procedure - Review of Daytime Housebreaking Mandatory**  
3                                   **Minimum Sentences - 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 for an offense of daytime  
6 housebreaking committed before a certain date to apply for and receive a review  
7 of the mandatory minimum sentence under certain circumstances; and  
8 generally relating to review of mandatory minimum sentences.

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

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 Rule

13 4-344 of the Maryland Rules or any other law to the contrary, a person who is

14 convicted of a violation of the crime of daytime housebreaking under former Article

15 27, § 30(b) of the Annotated Code of Maryland that was committed before October 1,

16 1994, and who is serving a term of confinement for that crime that includes a

17 mandatory minimum sentence under former Article 27, § 643B of the Code, may apply

18 for and receive a single sentence review of the mandatory minimum sentence as

19 provided in § 8-102 of the Criminal Procedure Article.

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

21 October 1, 2003.