

HOUSE BILL 331

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HB 516/03 - JUD

2004 Regular Session
4r1366

By: **Delegates Marriott, Anderson, Benson, Carter, Jones, Kelley, Kirk,
Nathan-Pulliam, Oaks, Paige, and Proctor**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

A BILL ENTITLED

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 2003 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.

22 (b) A person is not entitled:

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

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

- 1 (i) the sentence originally was wholly or partly suspended;
2 (ii) the sentence was reviewed; and
3 (iii) the suspended sentence or suspended part of that sentence later
4 was required to be served.

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

- 8 (1) a sentence imposed by a circuit court;
9 (2) a requirement by a circuit court that all or part of a suspended
10 sentence be served; and
11 (3) a prior or simultaneous sentence, suspended or not suspended, that
12 has been imposed by a court or other authority of the State or of another jurisdiction.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
14 other law to the contrary, a person who is serving a term of confinement for burglary
15 or daytime housebreaking that includes a mandatory minimum sentence imposed
16 before October 1, 1994, may apply for and receive one review of the mandatory
17 minimum sentence as provided in § 8-102 of the Criminal Procedure Article, if the
18 application for review is filed on or before September 30, 2005.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2004. It shall remain effective for a period of 1 year and, at the end of
21 September 30, 2005, with no further action required by the General Assembly, this
22 Act shall be abrogated and of no further force and effect.