By: **Senator Miller** Introduced and read first time: February 25, 2004 Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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4	FOR the purpose of requiring a new sentence to run concurrently with the time to be
5	served on the original term when an individual is convicted of a crime

6 committed while on parole; repealing the requirement that a new sentence run

7 consecutively to the time to be served on the original term when an individual is

consecutively to the time to be served on the original term when an individual isconvicted of a crime committed while on parole; requiring a court to determine if

9 a new sentence is to run concurrently or consecutively, as provided by a certain

10 Maryland Rule; requiring that if a new sentence is to run consecutively, the new

sentence shall begin at a certain time; prohibiting a certain parolee from

12 receiving credit for certain imprisonment under certain circumstances;

13 providing for the application of this Act; and generally relating to criminal

14 sentences and revocation of parole.

15 BY repealing and reenacting, with amendments,

16 Article - Correctional Services

17 Section 7-403

18 Annotated Code of Maryland

19 (1999 Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article - Correctional Services

22 Section 7-502(b) and 9-202

23 Annotated Code of Maryland

24 (1999 Volume and 2003 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

2	SENATE BILL 886
1	Article - Correctional Services
2	-403.
5 6	(a) (1) If a parolee is convicted of a crime committed while on parole and is entenced to an additional term of imprisonment in any correctional facility in this tate, the new sentence shall run [consecutive to] CONCURRENTLY WITH the time to e served on the original term unless the judge imposing the new sentence expressly rders otherwise.
	(2) THE COURT SHALL DETERMINE IF THE NEW SENTENCE IS TO RUN ONCURRENTLY OR CONSECUTIVELY, AS REQUIRED UNDER MARYLAND RULE -351(A)(5).
11	(3) IF THE NEW SENTENCE IS TO RUN CONSECUTIVELY:
12 13	(I) THE NEW SENTENCE SHALL BEGIN AS PROVIDED IN § 9-202(C) DF THIS ARTICLE; AND
14 15	(II) THE PAROLEE MAY NOT RECEIVE CREDIT FOR IMPRISONMENT ON THE ORIGINAL AND NEW SENTENCES FOR THE SAME PERIOD OF TIME.
18 19	(b) If a parolee is convicted in another state of a crime committed while on parole and is sentenced to serve a term of imprisonment in a correctional facility in the other state, the Commission shall file with the managing official of the porrectional facility in the other state a declaration of violation of parole to serve as a letainer on the parolee's release from the correctional facility.
21	-502.
22	(b) An individual on mandatory supervision is subject to:
23	(1) all laws, rules, regulations, and conditions that apply to parolees; and
24	(2) any special conditions established by a commissioner.
25	D-202.
26	(a) (1) In this section the following words have the meanings indicated.
27 28	(2) "Division custody" means confinement resulting from a sentence to he jurisdiction of the Division of Correction.
29 30	(3) (i) "Non-Division custody" means any post-sentencing criminal confinement other than Division custody.
31 32	(ii) "Non-Division custody" includes confinement resulting from a entence to:
33	1. a local correctional facility; or

SENATE BILL 886

1 2. a correctional facility in a foreign jurisdiction. 2 (b) A sentence to a term of Division custody that is imposed consecutive (1)3 to a term of Non-Division custody shall begin when the individual is released from 4 Non-Division custody due to the expiration of a sentence, parole, or the application of 5 diminution credits. 6 A sentence to a term of Non-Division custody that is imposed (2)7 consecutive to a term of Division custody shall begin when the individual is released 8 from Division custody due to the expiration of a sentence, parole, or the application of 9 diminution credits. A sentence imposed consecutive to a term of confinement for which the 10 (c) 11 defendant is on parole shall begin:

12 (1) if, at the time of sentencing, parole is revoked, on expiration of the 13 original term of confinement; or

14 (2) if parole is not revoked, on the date that the consecutive sentence was 15 imposed.

16 (d) An inmate under a sentence to a term of Division custody that is
17 concurrent or partially concurrent to a term of Non-Division custody shall be subject
18 to Division custody immediately on release from Non-Division custody due to the
19 expiration of a sentence, parole, or the application of diminution credits.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be

21 construed to apply only prospectively and may not be applied or interpreted to have

22 any effect on or application to any order of parole entered before the effective date of 23 this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take 25 effect October 1, 2004.

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