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By: **Delegates Marriott, Benson, C. Davis, Goodwin, Jones, Kirk,  
Nathan-Pulliam, Oaks, Paige, and Vaughn**

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Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted with floor amendments

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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;~~ authorizing a  
8 review panel to take a certain action, subject to a certain limitation; requiring  
9 an application for review under this Act to be filed on or before a certain date;  
10 providing for the termination of this Act; and generally relating to review of  
11 criminal sentences for burglary or daytime housebreaking.

12 BY repealing and reenacting, without amendments,  
13 Article - Criminal Procedure  
14 Section 8-102  
15 Annotated Code of Maryland  
16 (2001 Volume and 2004 Supplement)

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

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**Article - Criminal Procedure**

2 8-102.

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

6 (b) A person is not entitled:

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

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

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

12 (ii) the sentence was reviewed; and

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

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any  
24 other law to the contrary, a person who is serving a term of confinement for burglary  
25 or daytime housebreaking that includes a mandatory minimum sentence imposed  
26 before October 1, 1994, may apply for and receive one review of the mandatory  
27 minimum sentence as provided in § 8-102 of the Criminal Procedure ~~Article, if the~~  
28 Article. The review panel may strike the restriction against parole, but may not  
29 reduce the length of the sentence. Such an application for review is shall be filed on or  
30 before September 30, 2006.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2005. It shall remain effective for a period of 1 year and, at the end of  
33 September 30, 2006, with no further action required by the General Assembly, this  
34 Act shall be abrogated and of no further force and effect.

