
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 19, 2005

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Sanctions by the Patuxent Institution Board of**
3 **Review**

4 FOR the purpose of altering the sanctions imposed on certain inmates of the Patuxent
5 Institution who commit a major violation to allow the Board of Review for the
6 Patuxent Institution to impose certain sanctions under certain circumstances;
7 and generally relating to the Patuxent Institution Board of Review.

8 BY repealing and reenacting, with amendments,
9 Article - Correctional Services
10 Section 4-306
11 Annotated Code of Maryland
12 (1999 Volume and 2004 Supplement)

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

15 **Article - Correctional Services**

16 4-306.

17 (a) After transfer of an inmate to the Institution for treatment as an eligible
18 person but before the inmate's sentence expires, on review of the inmate, the Board of
19 Review may take any of the actions specified in subsection (b) of this section.

20 (b) (1) If an inmate submits a written request for a transfer to the Division
21 of Correction, the Director shall notify the Commissioner and send the Commissioner
22 a copy of any evaluation team's report that has been completed.

23 (2) If the Board of Review concludes that an inmate is no longer an
24 eligible person but should remain confined in the Division of Correction subject to the
25 authority of the Maryland Parole Commission until release on expiration of sentence

1 or mandatory supervision, the Director shall notify the Commissioner and send the
2 Commissioner a copy of the evaluation team's report.

3 (3) Within 90 days after notice is provided under paragraph (1) or (2) of
4 this subsection, the inmate shall be delivered to the appropriate correctional facility
5 that the Commissioner designates.

6 (4) A transfer under this subsection does not affect any right to parole
7 consideration that the inmate may have at the time of transfer.

8 (c) (1) In this subsection, "major violation" includes:

9 (i) escape from parole, work release, or leave;

10 (ii) failure to return from parole, work release, or leave within 1
11 hour of the time due, unless the failure to return was due to causes beyond the control
12 of the eligible person;

13 (iii) commission of a new crime, other than a minor traffic violation,
14 while on parole, work release, or leave;

15 (iv) commission of a Category I violation of the Department's
16 disciplinary rules; and

17 (v) use of a controlled dangerous substance that the eligible person
18 is not entitled to use under the laws of the State.

19 (2) Except as provided in paragraph (3) of this subsection, if an [eligible
20 person] INMATE IN THE ELIGIBLE PERSON PROGRAM OR THE PATUXENT YOUTH
21 PROGRAM commits a major violation while on parole, work release, or leave, [the
22 eligible person shall be confined to the Institution and shall be ineligible for parole,
23 work release, or leave for at least 6 months] THE BOARD OF REVIEW MAY IMPOSE
24 APPROPRIATE SANCTIONS CONSISTENT WITH THE BEST INTERESTS OF PUBLIC
25 SAFETY.

26 (3) If the Board of Review or the Secretary determines that a major
27 violation was severe enough to warrant removing an eligible person from the
28 Institution, the eligible person may be removed from the Institution and returned to
29 the Division of Correction to serve the remainder of the eligible person's original
30 sentence.

31 (4) If an eligible person commits a second major violation while on
32 parole, work release, or leave, the eligible person shall be removed from the
33 Institution and returned to the Division of Correction to serve the remainder of the
34 eligible person's original sentence.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 2005.