

SENATE BILL 190

E1, E2

9lr1221

By: **Senators Brochin and Stone**

Introduced and read first time: January 22, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Repeat Violent Offenders – Sentencing**

3 FOR the purpose of establishing that, notwithstanding any other law, an inmate who
4 is convicted of committing a certain crime of violence during a period in which
5 the inmate was paroled for a previous conviction for a certain crime of violence
6 shall serve the full sentences for both crimes consecutively and is not entitled to
7 a diminution of the inmate's terms of confinement for either crime, is not
8 eligible for parole at any time for either crime during those sentences, and may
9 not be allowed deductions from the inmate's terms of confinement for either
10 crime for any period of presentence or postsentence confinement in a local
11 correctional facility; prohibiting a court from suspending any part of either
12 sentence; prohibiting a person from committing a certain crime of violence
13 during a period in which the person was under a term of early release, including
14 parole, probation, or other condition of reduction or sentence modification not
15 resulting from an appeal, for a previous conviction for a certain crime of
16 violence; providing penalties for a violation of this Act; prohibiting a court from
17 imposing less than a certain mandatory minimum sentence for a violation of
18 this Act; prohibiting a court from suspending any part of the mandatory
19 minimum sentence; providing that a person sentenced under this Act is not
20 eligible for parole during the mandatory minimum sentence; providing that a
21 sentence imposed under this Act shall be consecutive to and not concurrent with
22 any other sentence imposed for any crime based on the act establishing the
23 violation of this Act; and generally relating to sentencing and crimes of violence.

24 BY adding to

25 Article – Correctional Services

26 Section 3–702.1, 7–301.1, and 11–502.1

27 Annotated Code of Maryland

28 (2008 Replacement Volume and 2008 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law
2 Section 14–102.1
3 Annotated Code of Maryland
4 (2002 Volume and 2008 Supplement)

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

7 **Article – Correctional Services**

8 **3–702.1.**

9 (A) NOTWITHSTANDING ANY OTHER LAW, AN INMATE WHO IS
10 CONVICTED OF COMMITTING A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF
11 THE CRIMINAL LAW ARTICLE DURING A PERIOD IN WHICH THE INMATE WAS
12 PAROLED FOR A PREVIOUS CONVICTION FOR A CRIME OF VIOLENCE AS DEFINED
13 IN § 14–101 OF THE CRIMINAL LAW ARTICLE SHALL SERVE THE FULL
14 SENTENCES FOR BOTH CRIMES CONSECUTIVELY AND IS NOT ENTITLED TO A
15 DIMINUTION OF THE INMATE’S TERMS OF CONFINEMENT FOR EITHER CRIME AS
16 PROVIDED UNDER THIS SUBTITLE.

17 (B) NO PART OF EITHER SENTENCE DESCRIBED IN SUBSECTION (A) OF
18 THIS SECTION MAY BE SUSPENDED BY THE COURT.

19 **7–301.1.**

20 (A) NOTWITHSTANDING ANY OTHER LAW, AN INMATE WHO IS
21 CONVICTED OF COMMITTING A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF
22 THE CRIMINAL LAW ARTICLE DURING A PERIOD IN WHICH THE INMATE WAS
23 PAROLED FOR A PREVIOUS CONVICTION FOR A CRIME OF VIOLENCE AS DEFINED
24 IN § 14–101 OF THE CRIMINAL LAW ARTICLE SHALL SERVE THE FULL
25 SENTENCES FOR BOTH CRIMES CONSECUTIVELY AND WITHOUT BEING ELIGIBLE
26 FOR PAROLE AT ANY TIME FOR EITHER CRIME DURING THOSE SENTENCES.

27 (B) NO PART OF EITHER SENTENCE DESCRIBED IN SUBSECTION (A) OF
28 THIS SECTION MAY BE SUSPENDED BY THE COURT.

29 **11–502.1.**

30 (A) NOTWITHSTANDING ANY OTHER LAW, AN INMATE WHO IS
31 CONVICTED OF COMMITTING A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF
32 THE CRIMINAL LAW ARTICLE DURING A PERIOD IN WHICH THE INMATE WAS
33 PAROLED FOR A PREVIOUS CONVICTION FOR A CRIME OF VIOLENCE AS DEFINED
34 IN § 14–101 OF THE CRIMINAL LAW ARTICLE SHALL SERVE THE FULL
35 SENTENCES FOR BOTH CRIMES CONSECUTIVELY AND MAY NOT BE ALLOWED

1 DEDUCTIONS FROM THE INMATE'S TERMS OF CONFINEMENT FOR EITHER CRIME
2 AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
3 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

4 (B) NO PART OF EITHER SENTENCE DESCRIBED IN SUBSECTION (A) OF
5 THIS SECTION MAY BE SUSPENDED BY THE COURT.

6 **Article - Criminal Law**

7 **14-102.1.**

8 (A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN
9 § 14-101 OF THIS SUBTITLE DURING A PERIOD IN WHICH THE PERSON WAS
10 UNDER A TERM OF EARLY RELEASE, INCLUDING PAROLE, PROBATION, OR
11 OTHER CONDITION OF REDUCTION OR SENTENCE MODIFICATION NOT
12 RESULTING FROM AN APPEAL, FOR A PREVIOUS CONVICTION FOR A CRIME OF
13 VIOLENCE AS DEFINED IN § 14-101 OF THIS SUBTITLE.

14 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
15 FELONY AND ON CONVICTION SHALL BE SENTENCED TO IMPRISONMENT FOR
16 NOT LESS THAN 3 YEARS AND NOT EXCEEDING 10 YEARS.

17 (2) NOTWITHSTANDING § 14-101 OF THIS SUBTITLE, THE COURT
18 MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 3
19 YEARS.

20 (3) THE COURT MAY NOT SUSPEND ANY PART OF THE
21 MANDATORY MINIMUM SENTENCE OF 3 YEARS.

22 (4) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
23 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT
24 ELIGIBLE FOR PAROLE IN LESS THAN 3 YEARS.

25 (5) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE
26 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
27 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
28 SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2009.