

# SENATE BILL 190

E1, E2

9lr1221

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By: **Senators Brochin and Stone**

Introduced and read first time: January 22, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

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

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

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

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**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.**

## 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.

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.

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