

SENATE BILL 59

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2lr0961
CF HB 117

By: **Senator Kelley**

Introduced and read first time: January 13, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 15, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Commission on Criminal Sentencing Policy – Annual Report –**
3 **Reporting Date**

4 FOR the purpose of altering the date by which the State Commission on Criminal
5 Sentencing Policy is required to submit a certain report; clarifying the contents
6 of the report; and generally relating to the State Commission on Criminal
7 Sentencing Policy.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 6–209
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 Supplement)

13 Preamble

14 WHEREAS, The State Commission on Criminal Sentencing Policy was created
15 to support fair and proportional sentencing policy, increase equity in criminal
16 sentencing practice, and promote increased visibility and public understanding of the
17 sentencing process; and

18 WHEREAS, The Commission’s annual report analyzes circuit court sentencing
19 practices and trends based on the most recent fiscal year of the Judiciary ending on
20 June 30; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, It is critical that the Commission has sufficient time to accurately
2 and efficiently collect, process, review, and analyze the data to be included in its report
3 prior to the submission to the General Assembly; and

4 WHEREAS, The Commission regularly holds one of its quarterly meetings and
5 its public comments hearing in December and this information should be included in
6 the annual report that pertains to the activities for that year; and

7 WHEREAS, The Commission's annual report is required to be inclusive of all its
8 activities and changes to sentencing guidelines during the full calendar year; now,
9 therefore,

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

12 **Article – Criminal Procedure**

13 6–209.

14 (a) The Commission shall review annually sentencing policy and practice
15 and, on or before [December 1] **JANUARY 31** of each year, report to the General
16 Assembly, in accordance with § 2–1246 of the State Government Article, **ON THE**
17 **ACTIVITIES OF THE PRECEDING CALENDAR YEAR.**

18 (b) (1) The report shall:

19 (i) include any changes to the sentencing guidelines made
20 during the preceding year;

21 (ii) review judicial compliance with the sentencing guidelines,
22 including compliance by crime and by judicial circuit;

23 (iii) review reductions or increases in original sentences that
24 have occurred because of reconsiderations of sentences imposed under § 14–101 of the
25 Criminal Law Article; and

26 (iv) categorize information on the number of reconsiderations of
27 sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by
28 judicial circuit.

29 (2) The Commission shall consider a sentence to a corrections options
30 program to be within the sentencing guidelines if the sentence falls within a
31 corrections options zone shown on the matrix.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2012.