

SENATE BILL 1005

E4, E1

6lr2751
CF HB 1312

By: **The President (By Request – Justice Reinvestment Coordinating Council)**

Introduced and read first time: February 15, 2016

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 19, 2016

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 21, 2016

CHAPTER _____

1 AN ACT concerning

2 **Justice Reinvestment Act**

3 FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk
4 and needs assessment on certain inmates and include the results in certain case
5 records; establishing requirements for a certain case plan; requiring the Division of
6 Correction to have a certain study conducted at certain intervals on a certain
7 assessment tool for a certain purpose; increasing a certain monthly deduction
8 allowed to an inmate of a State correctional facility whose term of confinement
9 includes a certain sentence for a certain crime of manufacturing, distributing,
10 dispensing, or possessing a controlled dangerous substance; increasing the
11 maximum monthly deductions allowed to an inmate of a State correctional facility
12 for manifesting satisfactory progress in certain work projects or programs;
13 increasing the maximum number of diminution credits that an inmate of a State
14 correctional facility may earn in a month; requiring the Division of Parole and
15 Probation to administer a certain screening tool and a certain risk and needs
16 assessment on a certain supervised individual; requiring the Division of Parole and
17 Probation to supervise a certain individual based on the results of a certain risk and
18 needs assessment; requiring the Division of Parole and Probation to develop an
19 individualized case plan for each individual with a certain assessment; requiring the
20 Division of Parole and Probation to modify the conditions of probation or suspension
21 of sentence for the purpose of imposing certain graduated sanctions; requiring the
22 Division of Parole and Probation to report to the court on certain violations and
23 certain graduated sanctions imposed under certain circumstances; expanding
24 eligibility for certain earned compliance credits to a person incarcerated, on

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 probation, or convicted in this State for violation of certain prohibitions relating to
2 manufacturing, distributing, dispensing, or possessing a controlled dangerous
3 substance; requiring the Maryland Parole Commission or the court to adjust the
4 period of a certain supervised individual's supervision on a certain recommendation
5 for earned compliance credits accrued under a certain program; requiring the
6 Division of Parole and Probation to transfer a certain individual to a certain
7 abatement status under certain circumstances; requiring the Division of Parole and
8 Probation to inform a certain supervised individual of a certain transfer date at
9 certain intervals; requiring the Division of Parole and Probation to notify the
10 Maryland Parole Commission or the court of a certain impending transfer at a
11 certain time; providing that a supervised individual who is on abatement may not be
12 required to regularly report to a certain agent or pay a supervision fee; requiring the
13 Department of Public Safety and Correctional Services to develop an automated
14 application for the tracking and awarding of earned compliance credits by the
15 Division of Parole and Probation; requiring the Division of Parole and Probation to
16 use certain methods to aid and encourage a certain person to improve conduct and
17 to reduce the risk of recidivism; requiring the Division of Parole and Probation to
18 have an independent validation study conducted at certain intervals on its risk and
19 needs assessment tool for a certain purpose; requiring the ~~Division of Parole and~~
20 ~~Probation~~ Department of Public Safety and Correctional Services to require all
21 parole and probation agents, Maryland Parole Commission members, and hearing
22 officers to undergo certain annual training; requiring the Department of Public
23 Safety and Correctional Services, by a certain date, to establish a program to
24 implement certain sanctions for certain violations of conditions of community
25 supervision by a certain individual; requiring the Department of Public Safety and
26 Correctional Services to adopt certain policies and procedures to implement certain
27 programs; requiring the Department to develop a certain matrix for a certain
28 purpose; ~~authorizing the Division of Parole and Probation to modify conditions of~~
29 ~~community supervision for a certain individual for the limited purpose of imposing~~
30 ~~certain sanctions; authorizing~~ requiring the Division of Parole and Probation to refer
31 a certain individual to the court or the Maryland Parole Commission for additional
32 sanctions; requiring the Division of Parole and Probation to issue a certificate of
33 rehabilitation to a certain individual; providing that a certificate of rehabilitation
34 ~~precludes a licensing board from disqualifying an applicant from professional or~~
35 ~~occupational licensure or certification because of a certain criminal conviction~~ shall
36 be considered by a licensing board when considering the qualifications of an
37 applicant for a professional or occupational licensure or certification; providing that
38 an individual may receive only one certificate of rehabilitation under certain
39 circumstances; requiring the Division of Parole and Probation to adopt regulations
40 establishing an application and review process for a certificate of rehabilitation that
41 allows certain parties to object to the issuance of the certificate of rehabilitation;
42 altering the exclusive powers of the Maryland Parole Commission; requiring the
43 Maryland Parole Commission to request that the Division of Parole and Probation
44 conduct a certain investigation for an inmate in a local correctional facility; requiring
45 the Maryland Parole Commission to request that the Division of Correction conduct
46 a certain investigation for an inmate in a State correctional facility; requiring certain
47 investigations to be submitted at certain times; requiring the Maryland Parole

1 Commission to consider the results of a certain investigation, develop a certain case
2 plan, and provide certain notifications to certain victims and a State's Attorney;
3 providing that a certain inmate be released on administrative ~~parole~~ release under
4 certain circumstances; establishing that a victim has certain rights related to
5 administrative parole; requiring that an inmate's debilitation or incapacitation be
6 permanent to qualify for medical parole; requiring the Maryland Parole Commission
7 to consider certain medical evaluations before granting medical parole; repealing a
8 requirement that a Governor approve medical parole for an individual serving a
9 certain sentence; providing that the Governor may disapprove a medical parole
10 recommendation for a certain individual serving a certain sentence within a certain
11 time; authorizing a parole commissioner to impose a certain period of imprisonment
12 under certain circumstances; authorizing the Commissioner to depart from certain
13 periods of incarceration under certain circumstances; authorizing a commissioner to
14 revoke certain diminution credits previously earned by a certain individual under
15 certain circumstances; altering certain deductions from an certain inmate's earnings
16 to be used for certain purposes; altering a certain monthly deduction from
17 postsentence confinement allowed to a certain inmate of a local correctional facility;
18 altering the maximum penalty for murder in the second degree; altering the
19 maximum penalty for kidnapping; altering certain penalties for possession of a
20 controlled dangerous substance; altering certain penalties for possession of
21 marijuana; ~~requiring~~ authorizing the court to order the ~~Department of Public Safety~~
22 ~~and Correctional Services~~ Department of Health and Mental Hygiene to evaluate a
23 defendant for drug dependence and provide a certain assessment before imposing a
24 sentence for possession of a controlled dangerous substance; requiring the
25 ~~Department of Public Safety and Correctional Services~~ Department of Health and
26 Mental Hygiene to evaluate a defendant and provide an assessment regarding drug
27 treatment to certain parties; requiring the court to ~~incorporate~~ consider a certain
28 assessment into a sentence for possession of a controlled dangerous substance in a
29 certain manner; requiring the Division of Correction or a local facility to facilitate
30 certain treatment for a certain person; establishing that a court may impose certain
31 mandatory minimum sentences only for certain drug offenses under certain
32 circumstances; requiring the court to state on the record the reason for departing
33 from certain mandatory minimum sentences; authorizing a certain person to apply
34 to the court to modify or reduce a certain sentence under certain circumstances in a
35 certain manner; increasing the amount of crack cocaine to be the same as the amount
36 of powder cocaine that is required to trigger enhanced penalties for certain drug
37 offenders; altering the penalties for theft, issuing or passing a bad check, credit card
38 fraud, identity fraud, counterfeiting, and exploitation of a vulnerable adult;
39 ~~providing that a certain geriatric parole procedure does not apply to a certain sexual~~
40 ~~offender; altering the age and incarceration time served thresholds for eligibility for~~
41 ~~geriatric parole; requiring the State Commission on Criminal Sentencing Policy to~~
42 ~~review judicial compliance with certain guidelines for suspended sentences and~~
43 ~~include a suspended portion of a sentence in the determination of whether a sentence~~
44 ~~is compliant with certain sentencing guidelines;~~ authorizing a court to impose a
45 certain period of incarceration for a certain person who has violated a condition of
46 probation under certain circumstances; authorizing a certain person to file a petition
47 for expungement of certain offenses under certain circumstances; establishing

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1 certain procedures for a certain expungement under certain circumstances;
 2 authorizing the court to depart from certain periods of imprisonment under certain
 3 circumstances; requiring the Department of Health and Mental Hygiene to
 4 immediately provide certain services; requiring the Department of Health and
 5 Mental Hygiene to facilitate certain treatment ~~without unnecessary delay and in no~~
 6 ~~event~~ no later than a certain time period after a certain order; repealing certain
 7 limitations on certain duties of the Department of Health and Mental Hygiene
 8 relating to funding; authorizing the court to require the Department of Health and
 9 Mental Hygiene to appear in court to explain a certain ~~lack of placement~~ delay under
 10 certain circumstances; establishing the Justice Reinvestment Oversight Board;
 11 providing for the membership, duties, staffing, procedures, and reporting of the
 12 Board; establishing the Performance Incentive County Grant Fund as a special,
 13 nonlapsing fund; specifying the purpose of the Fund; requiring the Executive
 14 Director of the Governor's Office of Crime Control and Prevention to administer the
 15 Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account
 16 for the Fund; specifying the contents of the Fund; specifying the purpose for which
 17 the Fund may be used; providing for the investment of money in and expenditures
 18 from the Fund; establishing the Local Government Justice Reinvestment
 19 Commission; providing for the membership, duties, staffing, procedures, and
 20 reporting of the Local Government Justice Reinvestment Commission; ~~altering the~~
 21 ~~penalties for certain traffic violations related to a driver's license;~~ requiring the
 22 Governor's Office of Crime Control and Prevention, in consultation with certain
 23 departments, agencies, and persons, to conduct a certain analysis relating to offender
 24 treatment and to submit a certain report; stating the intent of the General Assembly
 25 that the Governor provide certain funding in the annual budget; requiring the
 26 Maryland Mediation and Conflict Resolution Office to conduct a certain study and
 27 submit a certain report with recommendations on or before a certain date; requiring
 28 the State Commission on Criminal Sentencing Policy to study how more alternatives
 29 to incarceration may be included in the sentencing guidelines and submit a report
 30 with recommendations on or before a certain date; requiring the Governor's Office of
 31 Crime Control and Prevention to conduct a certain study relating to restitution and
 32 victim services and submit a certain report; requiring the Governor to issue a certain
 33 order under certain circumstances; requiring local correction authorities in
 34 consultation with certain departments to conduct a certain budget analysis and
 35 submit a report on or before a certain date; stating the intent of the General
 36 Assembly; providing for the application of certain provisions of this Act; providing
 37 for a delayed effective date for certain provisions of this Act; making conforming
 38 changes; altering certain definitions; defining certain terms; and generally relating
 39 to justice reinvestment.

40 BY repealing and reenacting, with amendments,

41 Article – Correctional Services

42 Section 3-601, 3-704, 3-707, 3-708, 6-101, 6-104, 6-111, 6-117, 7-205, 7-305,
 43 7-309, 7-401, 7-504, and 11-504

44 Annotated Code of Maryland

45 (2008 Replacement Volume and 2015 Supplement)

- 1 BY repealing and reenacting, without amendments,
2 Article – Correctional Services
3 Section 3–705, 3–706, 7–101(a) and (m), 7–103, and 7–301(a)
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2015 Supplement)
- 6 BY adding to
7 Article – Correctional Services
8 Section 6–119, 6–120, 6–121, 7–104, 7–301.1, and 9–614
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2015 Supplement)
- 11 BY repealing
12 Article – Correctional Services
13 Section 11–604
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2015 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section ~~2–204, 3–502, and~~ 5–601
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)
21 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)
- 22 BY repealing and reenacting, with amendments,
23 Article – Criminal Law
24 Section 5–601.1, 5–607, 5–608, 5–609, 5–609.1, 5–612, 7–104(g), 7–108, 8–106,
25 8–206, 8–207, 8–209, 8–301(g), 8–516, 8–611, and 8–801(c), ~~and 14–101~~
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2015 Supplement)
- 28 BY repealing and reenacting, without amendments,
29 Article – Criminal Law
30 Section 7–104(a) through (f), 8–301(a), (b), (b–1), and (c) through (f), and 8–801(a)
31 and (b)
32 Annotated Code of Maryland
33 (2012 Replacement Volume and 2015 Supplement)
- 34 ~~BY repealing and reenacting, without amendments,
35 Article – Criminal Procedure
36 Section 1–101(a)
37 Annotated Code of Maryland
38 (2008 Replacement Volume and 2015 Supplement)~~
- 39 ~~BY adding to
40 Article – Criminal Procedure~~

1 ~~Section 1-101(p)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2008 Replacement Volume and 2015 Supplement)~~

4 BY repealing and reenacting, with amendments,
 5 Article – Criminal Procedure
 6 Section ~~6-209~~ 1-101, 6-223, 6-224, and 11-819(b)
 7 Annotated Code of Maryland
 8 (2008 Replacement Volume and 2015 Supplement)

9 BY adding to
 10 Article – Criminal Procedure
 11 Section 10-110
 12 Annotated Code of Maryland
 13 (2008 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – Health – General
 16 Section ~~8-505~~ and 8-507
 17 Annotated Code of Maryland
 18 (2015 Replacement Volume)

19 BY repealing and reenacting, without amendments,
 20 Article – State Finance and Procurement
 21 Section 6-226(a)(2)(i)
 22 Annotated Code of Maryland
 23 (2015 Replacement Volume)

24 BY repealing and reenacting, with amendments,
 25 Article – State Finance and Procurement
 26 Section 6-226(a)(2)(ii)84. and 85.
 27 Annotated Code of Maryland
 28 (2015 Replacement Volume)

29 BY adding to
 30 Article – State Finance and Procurement
 31 Section 6-226(a)(2)(ii)86.
 32 Annotated Code of Maryland
 33 (2015 Replacement Volume)

34 BY adding to
 35 Article – State Government
 36 Section 9-3201 through 9-3212 to be under the new subtitle “Subtitle 32. Justice
 37 Reinvestment Oversight Board”
 38 Annotated Code of Maryland
 39 (2014 Replacement Volume and 2015 Supplement)

1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article — Transportation~~
 3 ~~Section 27-101(b)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2012 Replacement Volume and 2015 Supplement)~~

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article — Transportation~~
 8 ~~Section 27-101(e) and (y)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2012 Replacement Volume and 2015 Supplement)~~

11 ~~BY adding to~~
 12 ~~Article — Transportation~~
 13 ~~Section 27-101(gg)~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2012 Replacement Volume and 2015 Supplement)~~

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

18 **Article – Correctional Services**

19 3-601.

20 (a) **IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING**
 21 **STATED IN § 6-101 OF THIS ARTICLE.**

22 (B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the
 23 Division shall assemble an adequate case record for the inmate that includes:

24 (1) a description of the inmate;

25 (2) a photograph of the inmate;

26 (3) the family history of the inmate;

27 (4) any previous record of the inmate;

28 (5) a summary of the facts of each case for which the inmate is serving a
 29 sentence; [and]

30 (6) **THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE**
 31 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

1 **[(6)] (7)** the results of the physical, mental, and educational examination
2 of the inmate required under subsection **[(b)] (C)** of this section.

3 **[(b)] (C)** The Division shall conduct **A RISK AND NEEDS ASSESSMENT AND** a
4 physical, mental, and educational examination of an inmate as soon as feasible after the
5 individual is sentenced to the jurisdiction of the Division.

6 **[(c)] (D)** **(1)** Based on the information assembled under subsection **[(a)] (B)**
7 of this section, the Division shall classify an inmate and [assign the inmate to any available
8 treatment, training, or employment that the Division considers appropriate] **DEVELOP A**
9 **CASE PLAN TO GUIDE AN INMATE'S REHABILITATION WHILE UNDER THE CUSTODY**
10 **OF THE DIVISION.**

11 **(2)** **THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL**
12 **INCLUDE:**

13 **(I)** **PROGRAMMING AND TREATMENT RECOMMENDATIONS**
14 **BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER**
15 **SUBSECTION (C) OF THIS SECTION; ~~AND~~**

16 **(II)** **REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES**
17 **AND POLICIES OF THE DIVISION; AND**

18 **(III)** **A PLAN FOR THE PAYMENT OF RESTITUTION, IF**
19 **RESTITUTION HAS BEEN ORDERED.**

20 **[(d)] (E)** In accordance with regulations adopted by the Division, the managing
21 official of each correctional facility shall maintain, as a part of an inmate's case record:

22 (1) an adequate record of the conduct, effort, and progress of the inmate
23 during confinement; and

24 (2) a record of the character of any offense committed by the inmate and
25 the nature and amount of punishment inflicted.

26 **[(e)] (F)** To identify an inmate, the Division may photograph and fingerprint the
27 inmate and record a description of the inmate's personal background data.

28 3-704.

29 (a) An inmate shall be allowed a deduction in advance from the inmate's term of
30 confinement.

31 (b) (1) The deduction allowed under subsection (a) of this section shall be
32 calculated:

1 (i) from the first day of commitment to the custody of the
2 Commissioner through the last day of the inmate's term of confinement;

3 (ii) except as provided in paragraph (2) of this subsection, at the rate
4 of 10 days for each calendar month; and

5 (iii) on a prorated basis for any portion of a calendar month.

6 (2) If an inmate's term of confinement includes a consecutive or concurrent
7 sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article ~~for~~, ~~A~~
8 ~~SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11,~~
9 ~~SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE, OR~~ a crime of manufacturing,
10 distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§
11 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction
12 described in subsection (a) of this section shall be calculated at the rate of 5 days for each
13 calendar month.

14 (c) A deduction under this section may not be allowed for a period during which
15 an inmate does not receive credit for service of the inmate's term of confinement, including
16 a period:

17 (1) during which the inmate's sentence is stayed;

18 (2) during which the inmate is not in the custody of the Commissioner
19 because of escape; or

20 (3) for which the Maryland Parole Commission has declined to grant credit
21 after revocation of parole or mandatory supervision.

22 3-705.

23 (a) (1) In addition to any other deductions allowed under this subtitle, an
24 inmate may be allowed a deduction of 5 days from the inmate's term of confinement for
25 each calendar month during which the inmate manifests satisfactory performance of
26 assigned work tasks.

27 (2) The deduction described in paragraph (1) of this subsection shall be
28 calculated:

29 (i) from the first day that the work task is performed; and

30 (ii) on a prorated basis for any portion of a calendar month during
31 which the inmate performed the work task.

32 (b) The Commissioner shall adopt regulations governing the determination of
33 deductions authorized under this section.

1 3-706.

2 (a) In addition to any other deductions allowed under this subtitle, an inmate may
3 be allowed a deduction of 5 days from the inmate's term of confinement for each calendar
4 month during which the inmate manifests satisfactory progress in:

5 (1) vocational courses; or

6 (2) other educational and training courses.

7 (b) The deduction described in subsection (a) of this section shall be calculated:

8 (1) from the first day that the inmate participates in the course; and

9 (2) on a prorated basis for any portion of the calendar month during which
10 the inmate participates in the course.

11 3-707.

12 (a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, IN** addition to any other deductions allowed under this subtitle, an inmate
14 may be allowed a deduction of up to **[10] 20** days from the inmate's term of confinement for
15 each calendar month during which the inmate manifests satisfactory progress in those
16 special selected work projects or other special programs, **INCLUDING RECIDIVISM**
17 **REDUCTION PROGRAMMING**, designated by the Commissioner and approved by the
18 Secretary.

19 **(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A**
20 **CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED**
21 **IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE FOR WHICH**
22 **REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL ~~LAW~~**
23 **PROCEDURE ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH**
25 **CALENDAR MONTH.**

26 (b) A deduction described in subsection (a) of this section shall be calculated:

27 (1) from the first day that the inmate is assigned to the work project or
28 program; and

29 (2) on a prorated basis for any portion of the calendar month during which
30 the inmate participates in the work project or program.

31 3-708.

1 Notwithstanding any other provision of this subtitle, an inmate may not be allowed
2 a deduction under this subtitle of more than [20]:

3 (1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN
4 § 3-707(A)(2) OF THIS SUBTITLE; AND

5 (2) 30 days for a calendar month FOR ALL OTHER INMATES.

6 6-101.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) (1) “ABSCONDING” MEANS DISPLAYING AFFIRMATIVE BEHAVIOR
9 WITH THE INTENT TO EVADE SUPERVISION.

10 (2) “ABSCONDING” DOES NOT INCLUDE MISSING A SINGLE
11 APPOINTMENT WITH A SUPERVISING AUTHORITY.

12 (C) “Commission” means the Maryland Parole Commission.

13 ~~(D)~~ (D) “Crime of violence” has the meaning stated in § 14-101 of the Criminal
14 Law Article.

15 ~~(E)~~ (E) “CRIMINAL RISK FACTORS” MEANS AN INDIVIDUAL’S
16 CHARACTERISTICS AND BEHAVIORS THAT:

17 (1) AFFECT THE INDIVIDUAL’S RISK OF ENGAGING IN CRIMINAL
18 BEHAVIOR; AND

19 (2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT,
20 SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF
21 CRIMINAL BEHAVIOR.

22 [(d)] ~~(E)~~ (F) “Director” means the Director of the Division or the Director’s designee.

23 [(e)] ~~(F)~~ (G) “Division” means the Division of Parole and Probation.

24 [(f)] ~~(G)~~ (H) “Mandatory supervision” has the meaning stated in § 7-101 of this
25 article.

26 [(g)] ~~(H)~~ (I) “Offender” means an individual on parole or under mandatory
27 supervision.

28 [(h)] ~~(I)~~ (J) “Parolee” means an individual who has been released on parole.

1 [(i)] ~~(J)~~ **(K)** “Program” means a home detention program established under § 6–108
2 of this subtitle.

3 ~~(K)~~ **(L)** “**RISK AND NEEDS ASSESSMENT**” MEANS AN ACTUARIAL TOOL
4 **VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:**

5 (1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND

6 (2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE
7 THE INDIVIDUAL’S RISK OF REOFFENDING.

8 ~~(L)~~ **(M)** “**TECHNICAL VIOLATION**” MEANS A VIOLATION OF A CONDITION
9 OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:

10 (1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A
11 STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;

12 (2) A CONVICTION; ~~OR~~

13 (3) A VIOLATION OF A NO–CONTACT OR STAY–AWAY ORDER; OR

14 (4) ABSCONDING.

15 6–104.

16 (a) Subject to the authority of the Secretary and in addition to any other duties
17 established by law, the Division:

18 (1) shall:

19 (I) ADMINISTER A ~~RISK AND NEEDS ASSESSMENT~~ VALIDATED
20 SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION
21 UNDER THE SUPERVISION OF THE DIVISION;

22 (II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND
23 DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR
24 MANDATORY SUPERVISION WHO HAS BEEN ASSESSED SCREENED AS MODERATE OR
25 HIGH RISK TO REOFFEND;

26 [(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON
27 PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED
28 SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ~~THEM~~
29 ITEMS (I) OR (II) OF THIS ITEM;

1 [(ii)] (IV) supervise an individual under mandatory supervision
2 until the expiration of the individual's maximum term or terms of confinement;

3 (V) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE
4 CONDITIONS OF PAROLE AND MANDATORY SUPERVISION FOR THE PURPOSE OF
5 IMPOSING GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE
6 TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 7-401
7 OR § 7-504 OF THIS ARTICLE;

8 [(iii)] (VI) regularly inform the Commission of the activities of
9 offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE
10 COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS
11 SUBTITLE;

12 [(iv)] (VII) issue a warrant for the retaking of an offender charged
13 with a violation of a condition of parole or mandatory supervision, if this authority is
14 delegated by the Commission to the Director of the Division; and

15 [(v)] (VIII) administer the Drinking Driver Monitor Program, collect
16 supervision fees, and adopt guidelines for collecting the monthly program fee assessed in
17 accordance with § 6-115 of this subtitle; and

18 (2) may recommend:

19 (i) that the Commission modify any condition of parole or
20 mandatory supervision; and

21 (ii) that the Commission issue a warrant for the retaking of an
22 offender.

23 (b) Funding for the Drinking Driver Monitor Program shall be as provided in the
24 State budget.

25 6-111.

26 If a court suspends the sentence of an individual convicted of a crime and orders the
27 individual to continue under the supervision of the Division for a specified time or until
28 ordered otherwise, the Division shall:

29 (1) [supervise the conduct of] ADMINISTER A RISK AND NEEDS
30 ASSESSMENT ON the individual;

31 (2) [determine whether the individual is complying with the conditions of
32 probation or suspension of sentence] SUPERVISE THE INDIVIDUAL BASED ON THE

1 RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM (1) OF
2 THIS SECTION; [and]

3 (3) DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL
4 ASSESSED AS MODERATE OR HIGH RISK TO REOFFEND;

5 (4) NOTWITHSTANDING ANY OTHER LAW, ~~MODIFY THE CONDITIONS~~
6 ~~OF PROBATION OR SUSPENSION OF SENTENCE FOR THE PURPOSE OF IMPOSING~~
7 IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO
8 TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 6-223 OR §
9 6-224 OF THE CRIMINAL PROCEDURE ARTICLE; ~~AND~~

10 [(3)] (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY
11 TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED
12 UNDER § 6-121 OF THIS SUBTITLE; AND

13 (6) report to the court on the individual's compliance ~~AND, IF REQUESTED~~
14 ~~BY THE COURT, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS~~
15 ~~SUBTITLE.~~

16 6-117.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Abatement" means an end to active supervision of a supervised
19 individual, without effect on the legal expiration date of the case or the supervised
20 individual's obligation to:

21 (i) obey all laws; AND

22 (ii) [report as instructed; and

23 (iii)] obtain written permission from the Division of Parole and
24 Probation before relocating the supervised individual's residence outside the State.

25 (3) "Earned compliance credit" means a 20-day reduction from the period
26 of active supervision of the supervised individual for every month that a supervised
27 individual:

28 (i) exhibits [full compliance] ~~PROGRESS COMPLIANCE~~ with the
29 conditions[,] AND goals[, and treatment as part] of the supervised individual's probation,
30 parole, or mandatory release supervision, as determined by the Department;

31 (ii) has no new arrests;

1 (iii) has not violated any conditions of no contact imposed on the
2 supervised individual;

3 (iv) is current on court ordered payments for restitution, fines, and
4 fees relating to the offense for which earned compliance credits are being accrued; and

5 (v) is current in completing any community supervision
6 requirements included in the conditions of the supervised individual's probation, parole, or
7 mandatory release supervision.

8 (4) (i) "Supervised individual" means an individual placed on probation
9 by a court or serving a period of parole or mandatory release supervision after release from
10 a correctional facility.

11 (ii) "Supervised individual" does not include:

12 1. a person incarcerated, on probation, or convicted in this
13 State for a crime of violence;

14 2. a person incarcerated, on probation, or convicted in this
15 State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

16 3. a person incarcerated, on probation, or convicted in this
17 State for a violation of § 2-503, [~~§ § 5-602 through 5-606, OR § 5-617~~ **5-612 THROUGH**
18 **5-614**], § 5-627, or § 5-628] of the Criminal Law Article;

19 4. a person registered or eligible for registration under Title
20 11, Subtitle 7 of the Criminal Procedure Article;

21 5. a person who was convicted in any other jurisdiction of a
22 crime and the person's supervision was transferred to this State; or

23 6. a person who was convicted in this State of a crime and
24 the person's supervision was transferred to another state.

25 (b) The Department shall:

26 (1) establish a program to implement earned compliance credits; and

27 (2) adopt policies and procedures to implement the program.

28 (c) **(1)** Notwithstanding any other law, the Maryland Parole Commission or
29 the court [may] **SHALL** adjust the period of a supervised individual's supervision on the
30 recommendation of the Division of Parole and Probation for earned compliance credits
31 accrued under a program created under this section.

1 **(2) ONCE A COMBINATION OF ~~TIME SERVED IN CUSTODY, IF~~**
 2 **~~APPLICABLE,~~ TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION,**
 3 **AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL'S**
 4 **ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL ~~TRANSFER THE INDIVIDUAL~~**
 5 **~~TO PLACE THE INDIVIDUAL ON ABATEMENT.~~**

6 **(D) THE DIVISION SHALL:**

7 **(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL**
 8 **OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND**

9 **(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL**
 10 **OF CHANGE TO THE ABATEMENT TRANSFER DATE.**

11 **(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT,**
 12 **THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING**
 13 **TRANSFER.**

14 **[(d)] (F)** A supervised individual whose period of active supervision has been
 15 completely reduced as a result of earned compliance credits shall remain on abatement
 16 until the expiration of the supervised individual's sentence, unless:

17 (1) the supervised individual consents to continued active supervision; or

18 (2) the supervised individual violates a condition of probation, parole, or
 19 mandatory release supervision including failure to pay a required payment of restitution.

20 **(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER**
 21 **THIS SECTION MAY NOT BE REQUIRED TO:**

22 **(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR**

23 **(2) PAY A SUPERVISION FEE.**

24 **[(e)] (H)** If a supervised individual violates a condition of probation while on
 25 abatement, a court may order the supervised individual to be returned to active
 26 supervision.

27 **[(f)] (I)** (1) Twenty-five percent of the savings realized by the Department
 28 as a result of the application of earned compliance credits shall revert to the Department.

29 (2) After the savings revert to the Department in accordance with
 30 paragraph (1) of this subsection, any remaining savings shall revert to the General Fund.

1 **[(g)] (J)** This section may not be construed to limit the authority of a court or
2 the Parole Commission to extend probation, parole, or mandatory release supervision under
3 § 6–222 of the Criminal Procedure Article.

4 **(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR**
5 **THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE**
6 **DIVISION.**

7 **6–119.**

8 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(2) “EVIDENCE–BASED PROGRAMS AND PRACTICES” MEANS**
11 **PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS**
12 **IN RECIDIVISM.**

13 **(3) “INNOVATIVE PROGRAMS AND PRACTICES” MEANS PROGRAMS**
14 **THAT DO NOT MEET THE STANDARD OF EVIDENCE–BASED PRACTICES BUT WHICH**
15 **PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF**
16 **OFFENDER RECIDIVISM.**

17 **(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT**
18 **ARE CONSISTENT WITH EVIDENCE–BASED PROGRAMS AND PRACTICES AND**
19 **INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER**
20 **OR PAROLEE TO IMPROVE CONDUCT AND TO REDUCE THE RISK OF RECIDIVISM.**

21 **(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY**
22 **CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.**

23 **6–120.**

24 **THE ~~DIVISION~~ DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION**
25 **AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO**
26 **UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH,**
27 **REGARDING:**

28 **(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN**
29 **INDIVIDUAL’S CRIMINAL RISK FACTORS;**

30 **(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND**

31 **(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR**
32 **CHANGE.**

1 6-121.

2 (A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE
3 SUPERVISION OF THE DIVISION.

4 (B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN
5 RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.

6 (2) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A
7 TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A
8 RESULT OF THE VIOLATION.

9 (C) ON OR BEFORE JULY 1, 2017, THE DEPARTMENT SHALL:

10 (1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED
11 SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF
12 COMMUNITY SUPERVISION;

13 (2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE
14 PROGRAM AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN
15 INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE
16 GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND

17 (3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT
18 IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT
19 INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE
20 NONCUSTODIAL SANCTIONS TO BE IMPOSED.

21 ~~(D) NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY MODIFY THE~~
22 ~~CONDITIONS OF COMMUNITY SUPERVISION FOR AN INDIVIDUAL FOR THE LIMITED~~
23 ~~PURPOSE OF IMPOSING GRADUATED SANCTIONS.~~

24 ~~(E)~~ (D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN
25 EXHAUSTED, THE DIVISION ~~MAY~~ SHALL REFER THE INDIVIDUAL TO THE COURT OR
26 THE COMMISSION FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION
27 OF PROBATION, PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504
28 OF THIS ARTICLE OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.

29 7-101.

30 (a) In this title the following words have the meanings indicated.

31 (m) "Violent crime" means:

1 (1) a crime of violence as defined in § 14–101 of the Criminal Law Article;
2 or

3 (2) burglary in the first, second, or third degree.

4 7–103.

5 (a) In this section, “offender” has the meaning stated in § 6–101 of this article.

6 (b) The Department may issue a certificate of completion to an offender who:

7 (1) was supervised by the Department under conditions of:

8 (i) parole;

9 (ii) probation; or

10 (iii) mandatory release supervision;

11 (2) has completed all special and general conditions of supervision,
12 including paying all required restitution, fines, fees, and other payment obligations; and

13 (3) is no longer under the jurisdiction of the Department.

14 **7–104.**

15 **(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION**
16 **TO AN INDIVIDUAL WHO:**

17 **(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:**

18 **(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE**
19 **CRIMINAL LAW ARTICLE; OR**

20 **(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS**
21 **REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;**

22 **(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION**
23 **UNDER CONDITIONS OF:**

24 **(I) PAROLE;**

25 **(II) PROBATION; OR**

26 **(III) MANDATORY RELEASE SUPERVISION;**

1 **(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF**
 2 **SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND**
 3 **OTHER PAYMENT OBLIGATIONS; AND**

4 **(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF**
 5 **PAROLE AND PROBATION.**

6 **~~(B) A CERTIFICATE OF REHABILITATION PRECLUDES A LICENSING BOARD~~**
 7 **~~FROM DISQUALIFYING AN APPLICANT FROM PROFESSIONAL OR OCCUPATIONAL~~**
 8 **~~LICENSURE OR CERTIFICATION BECAUSE OF THE UNDERLYING CRIMINAL~~**
 9 **~~CONVICTION~~ A LICENSING BOARD SHALL CONSIDER A CERTIFICATE OF**
 10 **REHABILITATION WHEN DETERMINING THE QUALIFICATION OF AN APPLICANT FOR**
 11 **A PROFESSIONAL OR OCCUPATIONAL LICENSURE OR CERTIFICATION.**

12 **(C) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF**
 13 **REHABILITATION PER LIFETIME.**

14 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN**
 15 **APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT**
 16 **ALLOWS ~~THE SENTENCING JUDGE,~~ THE STATE'S ATTORNEY, AND THE VICTIM TO**
 17 **OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.**

18 7-205.

19 (a) The Commission has the exclusive power to:

20 (1) authorize the parole of an individual sentenced under the laws of the
 21 State to any correctional facility in the State;

22 (2) negotiate, enter into, and sign predetermined parole release
 23 agreements as provided under subsection (b) of this section;

24 (3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:

25 (i) the Commissioner of Correction, after reviewing the
 26 recommendation of the appropriate managing official, objects to a parole;

27 (ii) the inmate was convicted of a homicide;

28 (iii) the inmate is serving a sentence of life imprisonment; [or]

29 (iv) the parole hearing is open to the public under § 7-304 of this title;

1 **(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE**
2 **ADMINISTRATIVE ~~PAROLE~~ RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF**
3 **THIS TITLE; OR**

4 **(VI) A VICTIM OR A STATE'S ATTORNEY REQUESTS A HEARING**
5 **AS PROVIDED UNDER § 7-301.1 OF THIS TITLE;**

6 (4) hear exceptions to recommendations of a hearing examiner or a
7 commissioner acting as a hearing examiner;

8 (5) review summarily all recommendations of a hearing examiner or a
9 commissioner acting as a hearing examiner to which an exception has not been filed;

10 (6) hear a case for parole in absentia when an individual who was
11 sentenced in this State to serve a term of imprisonment is in a correctional facility of a
12 jurisdiction other than this State;

13 (7) hear cases of parole revocation; [and]

14 (8) if delegated by the Governor, hear cases involving an alleged violation
15 of a conditional pardon; **AND**

16 **(9) DETERMINE CONDITIONS FOR ADMINISTRATIVE ~~PAROLE~~**
17 **RELEASE UNDER § 7-301.1 OF THIS TITLE.**

18 (b) (1) (i) The Commission may negotiate, enter into, and sign a
19 predetermined parole release agreement with the Commissioner of Correction and an
20 inmate under the jurisdiction of the Commission.

21 (ii) The agreement may provide for the release of the inmate on
22 parole at a predetermined time if, during the inmate's term of confinement, the inmate
23 participates in the programs designated by the Commission and fulfills any other
24 conditions specified in the agreement.

25 (2) This subsection does not affect any diminution of an inmate's term of
26 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article **OR**
27 **AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE ~~PAROLE~~ RELEASE UNDER § 7-301.1**
28 **OF THIS TITLE.**

29 7-301.

30 (a) (1) Except as otherwise provided in this section, the Commission shall
31 request that the Division of Parole and Probation make an investigation for inmates in a
32 local correctional facility and the Division of Correction make an investigation for inmates
33 in a State correctional facility that will enable the Commission to determine the
34 advisability of granting parole to an inmate who:

1 (i) has been sentenced under the laws of the State to serve a term
2 of 6 months or more in a correctional facility; and

3 (ii) has served in confinement one-fourth of the inmate's aggregate
4 sentence.

5 (2) Except as provided in paragraph (3) of this subsection, or as otherwise
6 provided by law or in a predetermined parole release agreement, an inmate is not eligible
7 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate
8 sentence.

9 (3) An inmate may be released on parole at any time in order to undergo
10 drug or alcohol treatment, mental health treatment, or to participate in a residential
11 program of treatment in the best interest of an inmate's expected or newborn child if the
12 inmate:

13 (i) is not serving a sentence for a crime of violence, as defined in §
14 14-101 of the Criminal Law Article;

15 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
16 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal
17 Law Article; and

18 (iii) has been determined to be amenable to treatment.

19 (4) The Division of Parole and Probation shall complete and submit to the
20 Commission each investigation of an inmate in a local correctional facility required under
21 paragraph (1) of this subsection within 60 days of commitment.

22 **7-301.1.**

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "ADMINISTRATIVE ~~PAROLE~~ RELEASE" MEANS RELEASE ~~TO~~
26 ~~PAROLE~~ OF AN ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S
27 SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

28 (3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:

29 (I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO
30 SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;

31 (II) HAS BEEN SCREENED AS LOW RISK TO REOFFEND UNDER §
32 6-104 OF THIS ARTICLE;

1 **(III)** IS NOT SERVING A SENTENCE FOR:

2 1. A VIOLENT CRIME; OR

3 2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS
4 REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;
5 AND

6 ~~(III)~~ **(IV)** IF SERVING A SENTENCE WITH A TERM OF
7 CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED
8 THE MANDATORY PORTION OF THE SENTENCE.

9 **(B) (1)** FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE
10 COMMISSION SHALL:

11 **(I)** REQUEST THAT THE DIVISION OF PAROLE AND PROBATION
12 CONDUCT AN INVESTIGATION TO:

13 ~~(I)~~ DETERMINE THE INMATE'S ELIGIBILITY FOR
14 ADMINISTRATIVE ~~PAROLE~~ RELEASE;

15 **(II)** DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE
16 INMATE MAY BE RELEASED ~~TO PAROLE~~ AFTER HAVING SERVED ONE-FOURTH OF
17 THE INMATE'S TERM OF CONFINEMENT; AND

18 **(III)** CALCULATE A TENTATIVE ~~PAROLE~~ RELEASE ELIGIBILITY
19 DATE FOR AN ELIGIBLE INMATE.

20 **(2)** THE COMMISSION SHALL:

21 **(I)** REQUEST THAT FOR AN INMATE IN A STATE CORRECTIONAL
22 FACILITY, THE DIVISION OF CORRECTION CONDUCT AN INVESTIGATION TO:

23 ~~(I)~~ DETERMINE THE INMATE'S ELIGIBILITY FOR
24 ADMINISTRATIVE ~~PAROLE~~ RELEASE;

25 **(II)** DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE
26 INMATE MAY BE RELEASED ~~TO PAROLE~~ AFTER HAVING SERVED ONE-FOURTH OF
27 THE INMATE'S TERM OF CONFINEMENT; AND

28 **(III)** CALCULATE A TENTATIVE ~~PAROLE~~ RELEASE ELIGIBILITY
29 DATE FOR AN ELIGIBLE INMATE.

1 **(3) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPHS (1) AND**
2 **(2) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE**
3 **COMMISSION WITHIN 60 DAYS OF COMMITMENT.**

4 **(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE**
5 **COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,**
6 **SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER**
7 **SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN**
8 **WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON**
9 **ADMINISTRATIVE ~~PAROLE~~ RELEASE.**

10 **(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION**
11 **(C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS**
12 **THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S**
13 **ADMINISTRATIVE ~~PAROLE~~ RELEASE DATE.**

14 **(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT**
15 **APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE ~~PAROLE~~ RELEASE.**

16 **(E) (1) A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE**
17 **GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.**

18 **(2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL**
19 **NOTIFY A VICTIM OF:**

20 ~~(1)~~ **(I) THE ELIGIBLE INMATE'S ADMINISTRATIVE ~~PAROLE~~**
21 **RELEASE ELIGIBILITY DATE;**

22 ~~(2)~~ **(II) THE VICTIM'S RIGHT TO REQUEST AN OPEN ~~PAROLE~~**
23 **HEARING UNDER § 7-304 OF THIS SUBTITLE; AND**

24 ~~(3)~~ **(III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY**
25 **CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.**

26 **(F) (1) THE COMMISSION SHALL NOTIFY THE STATE'S ATTORNEY OF THE**
27 **ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE.**

28 **(2) THE STATE'S ATTORNEY MAY SUBMIT A WRITTEN OBJECTION TO**
29 **AN INMATE'S RELEASE ON ADMINISTRATIVE RELEASE AND REQUEST AN OPEN**
30 **HEARING.**

31 **(G) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE**
32 **~~PAROLE~~ RELEASE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE**
33 **INMATE'S ~~PAROLE~~ RELEASE ELIGIBILITY DATE IF:**

1 (1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED
2 UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;

3 (2) THE INMATE HAS NOT COMMITTED A SERIOUS RULE VIOLATION
4 WITHIN ~~30~~ 120 DAYS OF THE INMATE'S ~~PAROLE~~ ADMINISTRATIVE RELEASE
5 ELIGIBILITY DATE; AND

6 (3) A VICTIM OR THE STATE'S ATTORNEY HAS NOT REQUESTED A
7 HEARING UNDER SUBSECTION (E) OR (F) OF THIS SECTION.

8 ~~(G)~~ (H) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL
9 FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE
10 OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE
11 INMATE'S TENTATIVE ~~PAROLE~~ ADMINISTRATIVE RELEASE ELIGIBILITY DATE.

12 ~~(H)~~ (I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE
13 ~~PAROLE~~ RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR ~~PAROLE~~
14 RELEASE AS PROVIDED UNDER THIS SUBTITLE.

15 7-305.

16 Each hearing examiner and commissioner determining whether an inmate is
17 suitable for parole, and the Commission before entering into a predetermined parole release
18 agreement, shall consider:

19 (1) the circumstances surrounding the crime;

20 (2) the physical, mental, and moral qualifications of the inmate;

21 (3) the progress of the inmate during confinement, including the academic
22 progress of the inmate in the mandatory education program required under § 22-102 of the
23 Education Article;

24 (4) a report on a drug or alcohol evaluation that has been conducted on the
25 inmate, including any recommendations concerning the inmate's amenability for treatment
26 and the availability of an appropriate treatment program;

27 (5) whether there is reasonable probability that the inmate, if released on
28 parole, will remain at liberty without violating the law;

29 (6) whether release of the inmate on parole is compatible with the welfare
30 of society;

31 (7) an updated victim impact statement or recommendation prepared
32 under § 7-801 of this title;

1 (8) any recommendation made by the sentencing judge at the time of
2 sentencing;

3 (9) any information that is presented to a commissioner at a meeting with
4 the victim; [and]

5 (10) any testimony presented to the Commission by the victim or the victim's
6 designated representative under § 7-801 of this title; AND

7 **(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1**
8 **OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

9 7-309.

10 (a) This section applies to any inmate who is sentenced to a term of incarceration
11 for which all sentences being served, including any life sentence, are with the possibility of
12 parole.

13 (b) An inmate who is so **PERMANENTLY** debilitated or incapacitated by a medical
14 or mental health condition, disease, or syndrome as to be physically incapable of presenting
15 a danger to society may be released on medical parole at any time during the term of that
16 inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this
17 subtitle.

18 (c) (1) A request for a medical parole under this section may be filed with the
19 Maryland Parole Commission by:

20 (i) the inmate seeking the medical parole;

21 (ii) an attorney;

22 (iii) a prison official or employee;

23 (iv) a medical professional;

24 (v) a family member; or

25 (vi) any other person.

26 (2) The request shall be in writing and shall articulate the grounds that
27 support the appropriateness of granting the medical parole.

28 (d) Following review of the request, the Commission may:

29 (1) find the request to be inconsistent with the best interests of public
30 safety and take no further action; or

1 (2) request that department or local correctional facility personnel provide
2 information for formal consideration of parole release.

3 (e) The information to be considered by the Commission before granting medical
4 parole shall, at a minimum, include:

5 **(1) TWO MEDICAL EVALUATIONS CONDUCTED BY MEDICAL**
6 **PROFESSIONALS THAT ARE INDEPENDENT FROM THE DIVISION OF CORRECTION,**
7 **PAID FOR BY THE DIVISION OF CORRECTION;**

8 **[(1)] (2)** the inmate's medical information, including:

9 (i) a description of the inmate's condition, disease, or syndrome;

10 (ii) a prognosis concerning the likelihood of recovery from the
11 condition, disease, or syndrome;

12 (iii) a description of the inmate's physical incapacity and score on the
13 Karnofsky Performance Scale Index or similar classification of physical impairment; and

14 (iv) a mental health evaluation, where relevant;

15 **[(2)] (3)** discharge information, including:

16 (i) availability of treatment or professional services within the
17 community;

18 (ii) family support within the community; and

19 (iii) housing availability, including hospital or hospice care; and

20 **[(3)] (4)** case management information, including:

21 (i) the circumstances of the current offense;

22 (ii) institutional history;

23 (iii) pending charges, sentences and other jurisdictions, and any
24 other detainees; and

25 (iv) criminal history information.

26 (f) The Commission may require as a condition of release on medical parole that:

1 (1) the parolee agree to placement for a definite or indefinite period of time
 2 in a hospital or hospice or other housing accommodation suitable to the parolee's medical
 3 condition, including the family home of the parolee, as specified by the Commission or the
 4 supervising agent; and

5 (2) the parolee forward authentic copies of applicable medical records to
 6 indicate that the particular medical condition giving rise to the release continues to exist.

7 (g) (1) If the Commission has reason to believe that a parolee is no longer so
 8 debilitated or incapacitated as to be physically incapable of presenting a danger to society,
 9 the parolee shall be returned to the custody of the Division of Correction or the local
 10 correctional facility from which the inmate was released.

11 (2) (i) A parole hearing for a parolee returned to custody shall be held
 12 to consider whether the parolee remains incapacitated and shall be heard promptly.

13 (ii) A parolee returned to custody under this subsection shall be
 14 maintained in custody, if the incapacitation is found to no longer exist.

15 (3) An inmate whose medical parole is revoked for lack of continued
 16 incapacitation may be considered for parole in accordance with the eligibility requirements
 17 specified in § 7-301 of this subtitle.

18 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to
 19 victim notification and opportunity to be heard shall apply to proceedings relating to
 20 medical parole.

21 (2) In cases of imminent death, time limits relating to victim notification
 22 and opportunity to be heard may be waived in the discretion of the Commission.

23 (i) ~~Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this~~
 24 ~~section for a person serving a life sentence shall require the approval of the Governor~~

25 **(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN**
 26 **INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE**
 27 **TRANSMITTED TO THE GOVERNOR.**

28 **(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN**
 29 **TRANSMITTAL TO THE COMMISSION.**

30 **(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN**
 31 **180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.**

32 (j) The Commission shall issue regulations to implement the provisions of this
 33 section.

1 7-401.

2 (a) If a parolee is alleged to have violated a condition of parole, one commissioner
3 shall hear the case on revocation of the parole at the time and place that the Commission
4 designates.

5 (b) (1) Each individual charged with a parole violation is entitled to be
6 represented by counsel of the individual's choice or, if eligible, counsel provided by the
7 Public Defender's office.

8 (2) The Commission shall keep a record of the hearing.

9 (c) If the commissioner finds from the evidence that the parolee has violated a
10 condition of parole, the commissioner may take any action that the commissioner considers
11 appropriate, including:

12 (1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION**, revoking
13 the order of parole;

14 (ii) setting a future hearing date for consideration for reparole; and

15 (iii) remanding the individual to the Division of Correction or local
16 correctional facility from which the individual was paroled; or

17 (2) continuing parole:

18 (i) without modification of its conditions; or

19 (ii) with modification of its conditions, including a requirement that
20 the parolee spend all or part of the remaining parole period in a home detention program.

21 (d) (1) ~~IF~~ **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN**
22 **ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN §**
23 **6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION**
24 **MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:**

25 (I) **FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**

26 (II) **FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**

27 (III) **FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**

28 (2) Subject to paragraph [(2)] (3) of this subsection and further action by
29 the Commission, if the order of parole is revoked **FOR A FOURTH OR SUBSEQUENT**
30 **TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION**, the

1 commissioner hearing the parole revocation, in the commissioner's discretion, may require
2 the inmate to serve any unserved portion of the sentence originally imposed.

3 **[(2)] (3)** An inmate may not receive credit for time between release on
4 parole and revocation of parole if:

5 (i) the inmate was serving a sentence for a violent crime when
6 parole was revoked; and

7 (ii) the parole was revoked due to a finding that the inmate
8 committed a violent crime while on parole.

9 **(4) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED**
10 **UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING**
11 **THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A**
12 **VICTIM OR WITNESS ~~OR FOR OTHER GOOD CAUSE.~~**

13 (e) Subject to subsection (d) of this section, if a sentence has commenced as
14 provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when
15 the order of parole is revoked, any reimposed portion of the sentence originally imposed
16 shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this
17 article.

18 (f) (1) The inmate may seek judicial review in the circuit court within 30 days
19 after receiving the written decision of the Commission.

20 (2) The court shall hear the action on the record.

21 7–504.

22 (a) **(1) In this section[, “term] THE FOLLOWING WORDS HAVE THE**
23 **MEANINGS INDICATED.**

24 **(2) “TERM of confinement” has the meaning stated in § 3–701 of this**
25 **article.**

26 **(3) “TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6–101**
27 **OF THIS ARTICLE.**

28 (b) (1) ~~The~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
29 **commissioner presiding at an individual's mandatory supervision revocation hearing may**
30 **revoke [any or all of the] diminution credits previously earned by the individual on the**
31 **individual's term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:**

32 **(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL**
33 **VIOLATION;**

1 (II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL
2 VIOLATION;

3 (III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL
4 VIOLATION; AND

5 (IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR
6 SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL
7 VIOLATION.

8 (2) Nothing in this section affects the prohibition against the application of
9 diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate
10 convicted and sentenced to imprisonment for a crime committed while on mandatory
11 supervision.

12 (3) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED
13 UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING
14 THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A
15 VICTIM OR WITNESS ~~OR FOR OTHER GOOD CAUSE.~~

16 (c) After an inmate's mandatory supervision has been revoked, the inmate may
17 not be awarded any new diminution credits on the term of confinement for which the inmate
18 was on mandatory supervision.

19 **9-614.**

20 (A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL
21 CORRECTIONAL FACILITY.

22 (B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.

23 (C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:

24 (1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR
25 THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;

26 (2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;

27 (3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND

28 (4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE
29 WITH SUBSECTION (D) OF THIS SECTION.

1 (D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE
2 SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE
3 UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE
4 DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME,
5 IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.

6 (2) ~~(H)~~ IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED
7 UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE
8 DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME.

9 ~~(H) THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS~~
10 ~~PARAGRAPH APPLY ONLY WHEN AN INMATE HAS AT LEAST \$50 IN THE INMATE'S~~
11 ~~FINANCIAL ACCOUNTS.~~

12 (3) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY
13 PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT
14 SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OR (2) OF THIS
15 SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED
16 UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.

17 (II) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL
18 DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT
19 RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT
20 SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS
21 REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.

22 (4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION
23 OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD
24 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:

25 (I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND
26 ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND

27 (II) 50% INTO THE STATE VICTIMS OF CRIME FUND
28 ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

29 (E) THE DEPARTMENT SHALL:

30 (1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS
31 AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION;
32 AND

33 (2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE
34 WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.

1 11-504.

2 (a) An inmate who is sentenced to a local correctional facility shall be allowed an
3 initial deduction from the inmate's term of confinement.

4 (b) The deduction described in subsection (a) of this section shall be calculated:

5 (1) from the first day of the inmate's postsentence commitment to the
6 custody of the local correctional facility to the last day of the inmate's maximum term of
7 confinement;

8 (2) (I) at the rate of 5 days for each calendar month **IF THE INMATE'S**
9 **TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE**
10 **FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW**
11 **ARTICLE; OR**

12 (II) **AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR**
13 **ALL OTHER INMATES;** and

14 (3) on a prorated basis for any portion of a calendar month.

15 [11-604.

16 (a) The Department shall collect an inmate's earnings.

17 (b) From an inmate's earnings, the Department shall:

18 (1) reimburse the county or State for the cost of providing food, lodging,
19 and clothing to the inmate in a local correctional facility;

20 (2) pay court ordered payments for support of dependents;

21 (3) pay court ordered payments for restitution; and

22 (4) pay compensation for victims of crime in accordance with subsection (c)
23 of this section.

24 (c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry
25 Enhancement Certification Program of the United States Department of Justice, Bureau
26 of Justice Assistance, the Department shall withhold 20% for compensation for victims of
27 crime, in accordance with the requirements of the Program.

28 (2) (i) If a court in a criminal or juvenile delinquency proceeding has
29 ordered the inmate to pay restitution, the Department shall forward the 20% withheld

1 under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund
2 established under § 11–819 of the Criminal Procedure Article.

3 (ii) The Criminal Injuries Compensation Board shall distribute from
4 the Criminal Injuries Compensation Fund any amount received under this paragraph to
5 the person or governmental unit specified in the judgment of restitution to pay the
6 restitution as required under § 11–607(b)(2) of the Criminal Procedure Article.

7 (3) If the inmate is not subject to a judgment of restitution or the judgment
8 of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the
9 Department shall pay:

10 (i) 50% into the Criminal Injuries Compensation Fund established
11 under § 11–819 of the Criminal Procedure Article; and

12 (ii) 50% into the State Victims of Crime Fund established under §
13 11–916 of the Criminal Procedure Article.

14 (d) The Department shall:

15 (1) credit to the inmate's account any balance that remains after paying
16 the items in subsection (b)(1) through (3) of this section; and

17 (2) pay the balance in the inmate's account to the inmate within 15 days
18 after the inmate is released.]

19 Article – Criminal Law

20 2–204.

21 (a) A murder that is not in the first degree under § 2–201 of this subtitle is in the
22 second degree.

23 (b) A person who commits a murder in the second degree is guilty of a felony and
24 on conviction is subject to imprisonment not exceeding [30] 40 years.

25 3–502.

26 (a) A person may not, by force or fraud, carry or cause a person to be carried in or
27 outside the State with the intent to have the person carried or concealed in or outside the
28 State.

29 (b) A person who violates this section is guilty of the felony of kidnapping and on
30 conviction is subject to imprisonment not exceeding [30] 40 years.

31 (c) Kidnapping does not include the act of a parent in carrying a minor child of
32 that parent in or outside the State.

1 5-601.

2 (a) Except as otherwise provided in this title, a person may not:

3 (1) possess or administer to another a controlled dangerous substance,
4 unless obtained directly or by prescription or order from an authorized provider acting in
5 the course of professional practice; or

6 (2) obtain or attempt to obtain a controlled dangerous substance, or
7 procure or attempt to procure the administration of a controlled dangerous substance by:

8 (i) fraud, deceit, misrepresentation, or subterfuge;

9 (ii) the counterfeiting or alteration of a prescription or a written
10 order;

11 (iii) the concealment of a material fact;

12 (iv) the use of a false name or address;

13 (v) falsely assuming the title of or representing to be a
14 manufacturer, distributor, or authorized provider; or

15 (vi) making, issuing, or presenting a false or counterfeit prescription
16 or written order.

17 (b) Information that is communicated to a physician in an effort to obtain a
18 controlled dangerous substance in violation of this section is not a privileged
19 communication.

20 (c) [(1)] Except as provided in [paragraphs (2), (3), and (4) of this subsection]
21 **SUBSECTION (D) OF THIS SECTION**, a person who violates this section is guilty of a
22 misdemeanor and on conviction is subject to [imprisonment not exceeding 4 years or a fine
23 not exceeding \$25,000 or both]:

24 **(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1**
25 **YEAR OR A FINE NOT EXCEEDING ~~\$25,000~~ \$5,000 OR BOTH;**

26 **(2) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT**
27 **EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING ~~\$25,000~~ \$5,000 OR BOTH; AND**

28 **(3) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT**
29 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING ~~\$25,000~~ \$5,000 OR BOTH.**

1 [(2) (i)] (D) Except as provided in [subparagraph (ii) of this
2 paragraph] § 5-601.1 OF THIS ARTICLE, a person whose violation of this section involves
3 the use or possession of marijuana IS GUILTY OF A MISDEMEANOR AND is subject to
4 ~~imprisonment not exceeding 1 year~~ 6 MONTHS or a fine not exceeding \$1,000 or both. ~~‡~~

5 ~~(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6~~
6 ~~MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND~~

7 ~~(2) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT~~
8 ~~NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

9 [(ii) 1. A first violation of this section involving the use or
10 possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
11 exceeding \$100.

12 2. A second violation of this section involving the use or
13 possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
14 exceeding \$250.

15 3. A third or subsequent violation of this section involving
16 the use or possession of less than 10 grams of marijuana is a civil offense punishable by a
17 fine not exceeding \$500.

18 4. A. In addition to a fine, a court shall order a person
19 under the age of 21 years who commits a violation punishable under subparagraph 1,
20 2, or 3 of this subparagraph to attend a drug education program approved by the
21 Department of Health and Mental Hygiene, refer the person to an assessment for substance
22 abuse disorder, and refer the person to substance abuse treatment, if necessary.

23 B. In addition to a fine, a court shall order a person at least
24 21 years old who commits a violation punishable under subparagraph 3 of this
25 subparagraph to attend a drug education program approved by the Department of Health
26 and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and
27 refer the person to substance abuse treatment, if necessary.]

28 [(3) (i) 1.] (E) (1) (I) In this [paragraph] SUBSECTION the
29 following words have the meanings indicated.

30 [2.] (II) “Bona fide physician–patient relationship” means a
31 relationship in which the physician has ongoing responsibility for the assessment, care, and
32 treatment of a patient’s medical condition.

33 [3.] (III) “Caregiver” means an individual designated by a
34 patient with a debilitating medical condition to provide physical or medical assistance to
35 the patient, including assisting with the medical use of marijuana, who:

1 [A.] 1. is a resident of the State;

2 [B.] 2. is at least 21 years old;

3 [C.] 3. is an immediate family member, a spouse, or a
4 domestic partner of the patient;

5 [D.] 4. has not been convicted of a crime of violence as
6 defined in § 14–101 of this article;

7 [E.] 5. has not been convicted of a violation of a State or
8 federal controlled dangerous substances law;

9 [F.] 6. has not been convicted of a crime of moral turpitude;

10 [G.] 7. has been designated as caregiver by the patient in
11 writing that has been placed in the patient’s medical record prior to arrest;

12 [H.] 8. is the only individual designated by the patient to
13 serve as caregiver; and

14 [I.] 9. is not serving as caregiver for any other patient.

15 [4.] (IV) “Debilitating medical condition” means a chronic or
16 debilitating disease or medical condition or the treatment of a chronic or debilitating
17 disease or medical condition that produces one or more of the following, as documented by
18 a physician with whom the patient has a bona fide physician–patient relationship:

19 [A.] 1. cachexia or wasting syndrome;

20 [B.] 2. severe or chronic pain;

21 [C.] 3. severe nausea;

22 [D.] 4. seizures;

23 [E.] 5. severe and persistent muscle spasms; or

24 [F.] 6. any other condition that is severe and resistant to
25 conventional medicine.

26 [(ii) 1.] (2) (I) In a prosecution for the use or possession of
27 marijuana, the defendant may introduce and the court shall consider as a mitigating factor
28 any evidence of medical necessity.

1 [2.] (II) Notwithstanding [paragraph (2) of this subsection]
2 **SUBSECTION (C) OF THIS SECTION**, if the court finds that the person used or possessed
3 marijuana because of medical necessity, the court shall dismiss the charge.

4 [(iii) 1.] (3) (I) In a prosecution for the use or possession of
5 marijuana under this section, it is an affirmative defense that the defendant used or
6 possessed marijuana because:

7 [A.] 1. the defendant has a debilitating medical condition
8 that has been diagnosed by a physician with whom the defendant has a bona fide
9 physician–patient relationship;

10 [B.] 2. the debilitating medical condition is severe and
11 resistant to conventional medicine; and

12 [C.] 3. marijuana is likely to provide the defendant with
13 therapeutic or palliative relief from the debilitating medical condition.

14 [2. A.] (II) 1. In a prosecution for the possession of
15 marijuana under this section, it is an affirmative defense that the defendant possessed
16 marijuana because the marijuana was intended for medical use by an individual with a
17 debilitating medical condition for whom the defendant is a caregiver.

18 [B.] 2. A defendant may not assert the affirmative defense
19 under this [subsubparagraph] **SUBPARAGRAPH** unless the defendant notifies the State’s
20 Attorney of the defendant’s intention to assert the affirmative defense and provides the
21 State’s Attorney with all documentation in support of the affirmative defense in accordance
22 with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

23 [3.] (III) An affirmative defense under this [subparagraph]
24 **PARAGRAPH** may not be used if the defendant was:

25 [A.] 1. using marijuana in a public place or assisting the
26 individual for whom the defendant is a caregiver in using the marijuana in a public place;
27 or

28 [B.] 2. in possession of more than 1 ounce of marijuana.

29 [(4) A violation of this section involving the smoking of marijuana in a
30 public place is a civil offense punishable by a fine not exceeding \$500.

31 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
32 marijuana a civil offense may not be construed to affect the laws relating to:

33 (1) operating a vehicle or vessel while under the influence of or while
34 impaired by a controlled dangerous substance; or

1 (2) seizure and forfeiture.]

2 (F) (1) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OR (D)
3 OF THIS SECTION, THE COURT ~~SHALL~~ MAY ORDER THE DEPARTMENT OF ~~PUBLIC~~
4 ~~SAFETY AND CORRECTIONAL SERVICES TO EVALUATE THE DEFENDANT FOR DRUG~~
5 ~~DEPENDENCE AND PROVIDE AN ASSESSMENT TO DETERMINE WHETHER THE~~
6 ~~DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT~~ HEALTH
7 AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN
8 ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE
9 WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG
10 TREATMENT.

11 (2) ~~THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~
12 ~~SERVICES SHALL CONDUCT AN EVALUATION OF THE DEFENDANT AND PROVIDE AN~~
13 ~~ASSESSMENT~~ ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
15 DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE
16 USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR
17 THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S
18 DRUG TREATMENT NEEDS.

19 (3) THE COURT SHALL CONSIDER ~~AND INCORPORATE~~ THE RESULTS
20 OF ~~THE AN~~ AN ASSESSMENT PERFORMED IN PARAGRAPH (2) OF THIS SUBSECTION ~~INTO~~
21 WHEN IMPOSING THE DEFENDANT'S SENTENCE AND:

22 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH IF THE COURT FINDS THAT THE DEFENDANT IS NOT AN A IMMINENT
24 RISK TO PUBLIC SAFETY, THE COURT SHALL SUSPEND THE EXECUTION OF THE
25 SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE
26 DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE ~~DIVISION~~
27 ~~OF PAROLE AND PROBATION TO PROVIDE APPROPRIATE TREATMENT IN THE~~
28 ~~COMMUNITY~~ DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PROVIDE THE
29 MEDICALLY APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE
30 ASSESSMENT; OR

31 (II) IF THE COURT FINDS THAT THE DEFENDANT POSES ~~AN A~~ A
32 ~~IMMINENT~~ RISK TO PUBLIC SAFETY OR OTHERWISE FOR GOOD CAUSE, THE COURT
33 MAY IMPOSE A TERM OF IMPRISONMENT UNDER SUBSECTION (C) OR (D) OF THIS
34 SECTION AND ORDER THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL
35 FACILITY TO ~~PROVIDE~~ FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF
36 TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.

1 **(4) THE COURT MAY NOT FIND GOOD CAUSE UNDER PARAGRAPH**
2 **(3)(II) OF THIS SUBSECTION SOLELY BECAUSE THE DEPARTMENT OF HEALTH AND**
3 **MENTAL HYGIENE LACKS SUFFICIENT RESOURCES TO COMPLY WITH AN ORDER TO**
4 **PROVIDE TREATMENT.**

5 5-601.1.

6 **(A) A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE SMOKING OF**
7 **MARIJUANA IN A PUBLIC PLACE IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT**
8 **EXCEEDING \$500.**

9 **(B) (1) A FIRST VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE**
10 **OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE**
11 **PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

12 **(2) A SECOND VIOLATION OF § 5-601 OF THIS PART INVOLVING THE**
13 **USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE**
14 **PUNISHABLE BY A FINE NOT EXCEEDING \$250.**

15 **(3) A THIRD OR SUBSEQUENT VIOLATION OF § 5-601 OF THIS PART**
16 **INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A**
17 **CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.**

18 **(4) (I) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON**
19 **UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER**
20 **PARAGRAPH (1), (2), OR (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION**
21 **PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
22 **REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND**
23 **REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

24 **(II) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON**
25 **AT LEAST 21 YEARS OLD WHO COMMITS A VIOLATION PUNISHABLE UNDER**
26 **PARAGRAPH (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION PROGRAM**
27 **APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE**
28 **PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE**
29 **PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

30 **[(a)] (C) A police officer shall issue a citation to a person who the police officer**
31 **has probable cause to believe has committed a violation of § 5-601 of this part involving**
32 **the use or possession of less than 10 grams of marijuana.**

33 **[(b)] (D) (1) A violation of § 5-601 of this part involving the use or possession**
34 **of less than 10 grams of marijuana is a civil offense.**

1 (2) Adjudication of a violation under § 5–601 of this part involving the use
2 or possession of less than 10 grams of marijuana:

3 (i) is not a criminal conviction for any purpose; and

4 (ii) does not impose any of the civil disabilities that may result from
5 a criminal conviction.

6 **[(c)] (E)** (1) A citation issued for a violation of § 5–601 of this part involving
7 the use or possession of less than 10 grams of marijuana shall be signed by the police officer
8 who issues the citation and shall contain:

9 (i) the name and address of the person charged;

10 (ii) the date and time that the violation occurred;

11 (iii) the location at which the violation occurred;

12 (iv) the fine that may be imposed;

13 (v) a notice stating that prepayment of the fine is allowed, except as
14 provided in paragraph (2) of this subsection; and

15 (vi) a notice in boldface type that states that the person shall:

16 1. pay the full amount of the preset fine; or

17 2. request a trial date at the date, time, and place established
18 by the District Court by writ or trial notice.

19 (2) (i) If a citation for a violation of § 5–601 of this part involving the
20 use or possession of less than 10 grams of marijuana is issued to a person under the age of
21 21 years, the court shall summon the person for trial.

22 (ii) If the court finds that a person at least 21 years old has
23 committed a third or subsequent violation of § 5–601 of this part involving the use or
24 possession of less than 10 grams of marijuana, the court shall summon the person for trial.

25 **[(d)] (F)** The form of the citation shall be uniform throughout the State and shall
26 be prescribed by the District Court.

27 **[(e)] (G)** The Chief Judge of the District Court shall establish a schedule for the
28 prepayment of the fine.

29 **[(f)] (H)** A person issued a citation for a violation of § 5–601 of this part involving
30 the use or possession of less than 10 grams of marijuana who is under the age of 18 years

1 shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the
2 Courts Article.

3 **[(g)] (I)** A citation for a violation of § 5–601 of this part involving the use or
4 possession of less than 10 grams of marijuana and the official record of a court regarding
5 the citation are not subject to public inspection and may not be included on the public Web
6 site maintained by the Maryland Judiciary.

7 **(J) THE PROVISIONS OF THIS SECTION MAKING THE USE OR POSSESSION OF**
8 **LESS THAN 10 GRAMS OF MARIJUANA A CIVIL OFFENSE MAY NOT BE CONSTRUED TO**
9 **AFFECT THE LAWS RELATING TO:**

10 **(1) OPERATING A VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE**
11 **OF OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE; OR**

12 **(2) SEIZURE AND FORFEITURE.**

13 5–607.

14 (a) Except as provided in §§ 5–608 and 5–609 of this subtitle, a person who
15 violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on
16 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000
17 or both.

18 (b) (1) **[Except as provided in] SUBJECT TO** § 5–609.1 of this subtitle, a person
19 who has been convicted previously under subsection (a) of this section shall be sentenced
20 to imprisonment for not less than 2 years.

21 (2) The court may not suspend the mandatory minimum sentence to less
22 than 2 years.

23 (3) Except as provided in § 4–305 of the Correctional Services Article, the
24 person is not eligible for parole during the mandatory minimum sentence.

25 (c) A person convicted under subsection (a) of this section is not prohibited from
26 participating in a drug treatment program under § 8–507 of the Health – General Article
27 because of the length of the sentence.

28 5–608.

29 (a) Except as otherwise provided in this section, a person who violates a provision
30 of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II
31 narcotic drug is guilty of a felony and on conviction is subject to: imprisonment not
32 exceeding 20 years or a fine not exceeding \$25,000 or both.

1 (b) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
2 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
3 included in subsection (a) of this section shall be sentenced to imprisonment for not less
4 than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has
5 been convicted once:

6 (i) under subsection (a) of this section or § 5–609 of this subtitle;

7 (ii) of conspiracy to commit a crime included in subsection (a) of this
8 section or § 5–609 of this subtitle; or

9 (iii) of a crime under the laws of another state or the United States
10 that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if
11 committed in this State.

12 (2) The court may not suspend the mandatory minimum sentence to less
13 than 10 years.

14 (3) Except as provided in § 4–305 of the Correctional Services Article, the
15 person is not eligible for parole during the mandatory minimum sentence.

16 (c) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
17 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
18 included in subsection (a) of this section shall be sentenced to imprisonment for not less
19 than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:

20 (i) has served at least one term of confinement of at least 180 days
21 in a correctional institution as a result of a conviction:

22 1. under subsection (a) of this section or § 5–609 or § 5–614
23 of this subtitle;

24 2. of conspiracy to commit a crime included in subsection (a)
25 of this section or § 5–609 of this subtitle; or

26 3. of a crime under the laws of another state or the United
27 States that would be a crime included in subsection (a) of this section or § 5–609 of this
28 subtitle if committed in this State; and

29 (ii) has been convicted twice, if the convictions arise from separate
30 occasions:

31 1. under subsection (a) of this section or § 5–609 of this
32 subtitle;

33 2. of conspiracy to commit a crime included in subsection (a)
34 of this section or § 5–609 of this subtitle;

1 3. of a crime under the laws of another state or the United
2 States that would be a crime included in subsection (a) of this section or § 5–609 of this
3 subtitle if committed in this State; or

4 4. of any combination of these crimes.

5 (2) The court may not suspend any part of the mandatory minimum
6 sentence of 25 years.

7 (3) Except as provided in § 4–305 of the Correctional Services Article, the
8 person is not eligible for parole during the mandatory minimum sentence.

9 (4) A separate occasion is one in which the second or succeeding crime is
10 committed after there has been a charging document filed for the preceding crime.

11 (d) (1) **[Except as provided in] SUBJECT TO § 5–609.1** of this subtitle, a person
12 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
13 included in subsection (a) of this section shall be sentenced to imprisonment for not less
14 than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has
15 served three or more separate terms of confinement as a result of three or more separate
16 convictions:

17 (i) under subsection (a) of this section or § 5–609 of this subtitle;

18 (ii) of conspiracy to commit a crime included in subsection (a) of this
19 section or § 5–609 of this subtitle;

20 (iii) of a crime under the laws of another state or the United States
21 that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if
22 committed in this State; or

23 (iv) of any combination of these crimes.

24 (2) The court may not suspend any part of the mandatory minimum
25 sentence of 40 years.

26 (3) Except as provided in § 4–305 of the Correctional Services Article, the
27 person is not eligible for parole during the mandatory minimum sentence.

28 (e) A person convicted under subsection (a) of this section or of conspiracy to
29 commit a crime included in subsection (a) of this section is not prohibited from participating
30 in a drug treatment program under § 8–507 of the Health – General Article because of the
31 length of the sentence.

32 5–609.

1 (a) Except as otherwise provided in this section, a person who violates a provision
2 of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled
3 dangerous substances is guilty of a felony and on conviction is subject to imprisonment not
4 exceeding 20 years or a fine not exceeding \$20,000 or both:

5 (1) phencyclidine;

6 (2) 1–(1–phenylcyclohexyl) piperidine;

7 (3) 1–phenylcyclohexylamine;

8 (4) 1–piperidinocyclohexanecarbonitrile;

9 (5) N–ethyl–1–phenylcyclohexylamine;

10 (6) 1–(1–phenylcyclohexyl)–pyrrolidine;

11 (7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;

12 (8) lysergic acid diethylamide; or

13 (9) 750 grams or more of 3, 4–methylenedioxymethamphetamine (MDMA).

14 (b) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
15 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
16 included in subsection (a) of this section shall be sentenced to imprisonment for not less
17 than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has
18 been convicted once:

19 (i) under subsection (a) of this section or § 5–608 of this subtitle;

20 (ii) of conspiracy to commit a crime included in subsection (a) of this
21 section or § 5–608 of this subtitle;

22 (iii) of a crime under the laws of another state or the United States
23 that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
24 committed in this State; or

25 (iv) of any combination of these crimes.

26 (2) The court may not suspend the mandatory minimum sentence to less
27 than 10 years.

28 (3) Except as provided in § 4–305 of the Correctional Services Article, the
29 person is not eligible for parole during the mandatory minimum sentence.

1 (c) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
2 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
3 included in subsection (a) of this section shall be sentenced to imprisonment for not less
4 than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:

5 (i) has served at least one term of confinement of at least 180 days
6 in a correctional institution as a result of a conviction under subsection (a) of this section,
7 § 5–608 of this subtitle, or § 5–614 of this subtitle; and

8 (ii) if the convictions do not arise from a single incident, has been
9 convicted twice:

10 1. under subsection (a) of this section or § 5–608 of this
11 subtitle;

12 2. of conspiracy to commit a crime included in subsection (a)
13 of this section or § 5–608 of this subtitle;

14 3. of a crime under the laws of another state or the United
15 States that would be a crime included in subsection (a) of this section or § 5–608 of this
16 subtitle if committed in this State; or

17 4. of any combination of these crimes.

18 (2) The court may not suspend any part of the mandatory minimum
19 sentence of 25 years.

20 (3) Except as provided in § 4–305 of the Correctional Services Article, the
21 person is not eligible for parole during the mandatory minimum sentence.

22 (4) A separate occasion is one in which the second or succeeding crime is
23 committed after there has been a charging document filed for the preceding crime.

24 (d) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
25 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
26 included in subsection (a) of this section shall be sentenced to imprisonment for not less
27 than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has
28 served three separate terms of confinement as a result of three separate convictions:

29 (i) under subsection (a) of this section or § 5–608 of this subtitle;

30 (ii) of conspiracy to commit a crime included in subsection (a) of this
31 section or § 5–608 of this subtitle;

32 (iii) of a crime under the laws of another state or the United States
33 that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
34 committed in this State; or

1 (iv) of any combination of these crimes.

2 (2) The court may not suspend any part of the mandatory minimum
3 sentence of 40 years.

4 (3) Except as provided in § 4–305 of the Correctional Services Article, the
5 person is not eligible for parole during the mandatory minimum sentence.

6 (e) A person convicted under subsection (a) of this section or of conspiracy to
7 commit a crime included in subsection (a) of this section is not prohibited from participating
8 in a drug treatment program under § 8–507 of the Health – General Article because of the
9 length of the sentence.

10 5–609.1.

11 (A) A court may [depart from] **IMPOSE** a mandatory minimum sentence
12 prescribed in § 5–607, § 5–608, or § 5–609 of this subtitle [if the court finds and states on
13 the record] **ONLY IF THE STATE SHOWS** that, giving due regard to the nature of the crime,
14 the history and character of the defendant, and the defendant’s chances of successful
15 rehabilitation:

16 (1) imposition of the mandatory minimum sentence would **NOT** result in
17 substantial injustice to the defendant; and

18 (2) the mandatory minimum sentence is [not] necessary for the protection
19 of the public.

20 (B) **A COURT SHALL STATE ON THE RECORD THE REASONS FOR DEPARTING**
21 **FROM A MANDATORY MINIMUM SENTENCE.**

22 (C) (1) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT**
23 **TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON WHO IS SERVING A TERM OF**
24 **CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR**
25 **BEFORE SEPTEMBER 30, 2016, FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF**
26 **THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY**
27 **MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345, REGARDLESS OF**
28 **WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A**
29 **MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.**

30 (2) **THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE**
31 **MANDATORY MINIMUM SENTENCE AS PROVIDED IN SUBSECTION (A) OF THIS**
32 **SECTION.**

1 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH, AN APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS**
3 **SUBSECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR**
4 **BEFORE SEPTEMBER 30, 2017.**

5 **(II) THE COURT MAY CONSIDER AN APPLICATION AFTER**
6 **SEPTEMBER 30, 2017, ONLY FOR GOOD CAUSE SHOWN.**

7 **(III) THE COURT SHALL NOTIFY THE STATE’S ATTORNEY OF A**
8 **REQUEST FOR A HEARING.**

9 **(IV) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION**
10 **FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MANDATORY**
11 **MINIMUM SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS**
12 **SUBTITLE.**

13 5-612.

14 (a) A person may not manufacture, distribute, dispense, or possess:

15 (1) 50 pounds or more of marijuana;

16 (2) 448 grams or more of cocaine;

17 (3) 448 grams or more of any mixture containing a detectable amount of
18 cocaine;

19 (4) [50] 448 grams or more of cocaine base, commonly known as “crack”;

20 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,
21 or salt of an isomer of morphine or opium;

22 (6) any mixture containing 28 grams or more of morphine or opium or any
23 derivative, salt, isomer, or salt of an isomer of morphine or opium;

24 (7) 1,000 dosage units or more of lysergic acid diethylamide;

25 (8) any mixture containing the equivalent of 1,000 dosage units of lysergic
26 acid diethylamide;

27 (9) 16 ounces or more of phencyclidine in liquid form;

28 (10) 448 grams or more of any mixture containing phencyclidine;

29 (11) 448 grams or more of methamphetamine; or

1 (12) any mixture containing 448 grams or more of methamphetamine.

2 (b) For the purpose of determining the quantity of a controlled dangerous
3 substance involved in individual acts of manufacturing, distributing, dispensing, or
4 possessing under subsection (a) of this section, the acts may be aggregated if each of the
5 acts occurred within a 90-day period.

6 (c) (1) A person who is convicted of a violation of subsection (a) of this section
7 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not
8 exceeding \$100,000.

9 (2) The court may not suspend any part of the mandatory minimum
10 sentence of 5 years.

11 (3) Except as provided in § 4-305 of the Correctional Services Article, the
12 person is not eligible for parole during the mandatory minimum sentence.

13 7-104.

14 (a) A person may not willfully or knowingly obtain or exert unauthorized control
15 over property, if the person:

16 (1) intends to deprive the owner of the property;

17 (2) willfully or knowingly uses, conceals, or abandons the property in a
18 manner that deprives the owner of the property; or

19 (3) uses, conceals, or abandons the property knowing the use, concealment,
20 or abandonment probably will deprive the owner of the property.

21 (b) A person may not obtain control over property by willfully or knowingly using
22 deception, if the person:

23 (1) intends to deprive the owner of the property;

24 (2) willfully or knowingly uses, conceals, or abandons the property in a
25 manner that deprives the owner of the property; or

26 (3) uses, conceals, or abandons the property knowing the use, concealment,
27 or abandonment probably will deprive the owner of the property.

28 (c) (1) A person may not possess stolen personal property knowing that it has
29 been stolen, or believing that it probably has been stolen, if the person:

30 (i) intends to deprive the owner of the property;

1 (ii) willfully or knowingly uses, conceals, or abandons the property
2 in a manner that deprives the owner of the property; or

3 (iii) uses, conceals, or abandons the property knowing that the use,
4 concealment, or abandonment probably will deprive the owner of the property.

5 (2) In the case of a person in the business of buying or selling goods, the
6 knowledge required under this subsection may be inferred if:

7 (i) the person possesses or exerts control over property stolen from
8 more than one person on separate occasions;

9 (ii) during the year preceding the criminal possession charged, the
10 person has acquired stolen property in a separate transaction; or

11 (iii) being in the business of buying or selling property of the sort
12 possessed, the person acquired it for a consideration that the person knew was far below a
13 reasonable value.

14 (3) In a prosecution for theft by possession of stolen property under this
15 subsection, it is not a defense that:

16 (i) the person who stole the property has not been convicted,
17 apprehended, or identified;

18 (ii) the defendant stole or participated in the stealing of the property;

19 (iii) the property was provided by law enforcement as part of an
20 investigation, if the property was described to the defendant as being obtained through the
21 commission of theft; or

22 (iv) the stealing of the property did not occur in the State.

23 (4) Unless the person who criminally possesses stolen property
24 participated in the stealing, the person who criminally possesses stolen property and a
25 person who has stolen the property are not accomplices in theft for the purpose of any rule
26 of evidence requiring corroboration of the testimony of an accomplice.

27 (d) A person may not obtain control over property knowing that the property was
28 lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature
29 or amount of the property, if the person:

30 (1) knows or learns the identity of the owner or knows, is aware of, or
31 learns of a reasonable method of identifying the owner;

32 (2) fails to take reasonable measures to restore the property to the owner;
33 and

1 (3) intends to deprive the owner permanently of the use or benefit of the
2 property when the person obtains the property or at a later time.

3 (e) A person may not obtain the services of another that are available only for
4 compensation:

5 (1) by deception; or

6 (2) with knowledge that the services are provided without the consent of
7 the person providing them.

8 (f) Under this section, an offender's intention or knowledge that a promise would
9 not be performed may not be established by or inferred solely from the fact that the promise
10 was not performed.

11 (g) (1) A person convicted of theft of property or services with a value of:

12 (i) at least **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** is
13 guilty of a felony and:

14 1. is subject to imprisonment not exceeding **[10] 5** years or a
15 fine not exceeding \$10,000 or both; and

16 2. shall restore the property taken to the owner or pay the
17 owner the value of the property or services;

18 (ii) at least **[\$10,000] \$25,000** but less than \$100,000 is guilty of a
19 felony and:

20 1. is subject to imprisonment not exceeding **[15] 10** years or
21 a fine not exceeding \$15,000 or both; and

22 2. shall restore the property taken to the owner or pay the
23 owner the value of the property or services; or

24 (iii) \$100,000 or more is guilty of a felony and:

25 1. is subject to imprisonment not exceeding **[25] 20** years or
26 a fine not exceeding \$25,000 or both; and

27 2. shall restore the property taken to the owner or pay the
28 owner the value of the property or services.

1 (2) Except as provided in [paragraphs (3) and (4)] **PARAGRAPH (3)** of this
2 subsection, a person convicted of theft of property or services with a value of ~~AT LEAST~~
3 ~~\$100 BUT~~ less than ~~[\$1,000]~~ **\$2,000**, is guilty of a misdemeanor and:

4 (i) is subject to imprisonment not exceeding ~~[18]~~ **12** months or a fine
5 not exceeding \$500 or both; and

6 (ii) shall restore the property taken to the owner or pay the owner
7 the value of the property or services.

8 (3) A person convicted of theft of property or services with a value of less
9 than \$100 is guilty of a misdemeanor and:

10 (i) is subject to imprisonment not exceeding 90 days or a fine not
11 exceeding \$500 or both; and

12 (ii) shall restore the property taken to the owner or pay the owner
13 the value of the property or services.

14 ~~¶~~(4) Subject to paragraph (5) of this subsection, a person who has ~~two~~ **FOUR**
15 or more prior convictions under this subtitle and who is convicted of theft of property or
16 services with a value of less than ~~\$1,000~~ **\$2,000** under paragraph (2) of this subsection is
17 guilty of a misdemeanor and:

18 (i) is subject to imprisonment not exceeding 5 years or a fine not
19 exceeding \$5,000 or both; and

20 (ii) shall restore the property taken to the owner or pay the owner
21 the value of the property or services.

22 (5) The court may not impose the penalties under paragraph (4) of this
23 subsection unless the State's Attorney serves notice on the defendant or the defendant's
24 counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before
25 trial that:

26 (i) the State will seek the penalties under paragraph (4) of this
27 subsection; and

28 (ii) lists the alleged prior convictions.†

29 7–108.

30 (a) An indictment, information, warrant, or other charging document for theft
31 under this part, other than for taking a motor vehicle under § 7–105 of this part, is sufficient
32 if it substantially states:

1 “(name of defendant) on (date) in (county) stole (property or services stolen) of (name
2 of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at
3 least \$10,000] **\$2,000, AT LEAST \$2,000 BUT LESS THAN \$25,000, AT LEAST \$25,000**
4 but less than \$100,000, or \$100,000 or more) in violation of § 7–104 of the Criminal Law
5 Article, against the peace, government, and dignity of the State.”

6 (b) An indictment, information, warrant, or other charging document for theft
7 under this part for taking a motor vehicle under § 7–105 of this part is sufficient if it
8 substantially states:

9 “(name of defendant) on (date) in (county) knowingly and willfully took a motor
10 vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name
11 of victim), in violation of § 7–105 of the Criminal Law Article, against the peace,
12 government, and dignity of the State.”

13 (c) In a case in the circuit court in which the general form of indictment or
14 information is used to charge a defendant with a crime under this part, the defendant, on
15 timely demand, is entitled to a bill of particulars.

16 (d) Unless specifically charged by the State, theft of property or services with a
17 value of less than \$100 as provided under § 7–104(g)(3) of this subtitle may not be
18 considered a lesser included crime of any other crime.

19 8–106.

20 (a) (1) A person who obtains property or services with a value of at least
21 **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** by issuing or passing a check in violation
22 of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment
23 not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both.

24 (2) A person who obtains property or services with a value of at least
25 **[\$10,000] \$25,000** but less than \$100,000 by issuing or passing a check in violation of §
26 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not
27 exceeding **[15] 10** years or a fine not exceeding \$15,000 or both.

28 (3) A person who obtains property or services with a value of \$100,000 or
29 more by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony
30 and on conviction is subject to imprisonment not exceeding **[25] 20** years or a fine not
31 exceeding \$25,000 or both.

32 (b) A person who obtains property or services by issuing or passing more than one
33 check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject
34 to imprisonment not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both if:

35 (1) each check that is issued is for **[less than \$1,000] AT LEAST \$2,000**
36 **BUT LESS THAN \$25,000** and is issued to the same person within a 30–day period; and

1 (2) the cumulative value of the property or services is [~~\$1,000 or more~~] **AT**
2 **LEAST \$2,000 BUT LESS THAN \$25,000.**

3 (c) Except as provided in subsections (b) and (d) of this section, a person who
4 obtains property or services with a value of **AT LEAST \$100 BUT** less than [~~\$1,000~~] **\$2,000**
5 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a
6 misdemeanor and on conviction is subject to imprisonment not exceeding [~~18~~] **12** months
7 or a fine not exceeding \$500 or both.

8 (d) (1) A person who obtains property or services with a value of less than \$100
9 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a
10 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine
11 not exceeding \$500 or both.

12 (2) It is not a defense to the crime of obtaining property or services with a
13 value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle
14 that the value of the property or services at issue is \$100 or more.

15 8–206.

16 (a) A person may not for the purpose of obtaining money, goods, services, or
17 anything of value, and with the intent to defraud another, use:

18 (1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of
19 this subtitle; or

20 (2) a credit card that the person knows is counterfeit.

21 (b) A person may not, with the intent to defraud another, obtain money, goods,
22 services, or anything of value by representing:

23 (1) without the consent of the cardholder, that the person is the holder of a
24 specified credit card; or

25 (2) that the person is the holder of a credit card when the credit card had
26 not been issued.

27 (c) (1) (i) If the value of all money, goods, services, and other things of
28 value obtained in violation of this section is at least [~~\$1,000~~] **\$2,000** but less than [~~\$10,000~~]
29 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject
30 to imprisonment not exceeding [~~10~~] **5** years or a fine not exceeding \$10,000 or both.

31 (ii) If the value of all money, goods, services, and other things of
32 value obtained in violation of this section is at least [~~\$10,000~~] **\$25,000** but less than

1 \$100,000, a person who violates this section is guilty of a felony and on conviction is subject
2 to imprisonment not exceeding [15] **10** years or a fine not exceeding \$15,000 or both.

3 (iii) If the value of all money, goods, services, and other things of
4 value obtained in violation of this section is \$100,000 or more, a person who violates this
5 section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25]
6 **20** years or a fine not exceeding \$25,000 or both.

7 (2) Except as provided in paragraph (3) of this subsection, if the value of
8 all money, goods, services, and other things of value obtained in violation of this section is
9 **AT LEAST \$100 BUT** less than [\$1,000] **\$2,000**, a person who violates this section is guilty
10 of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] **12**
11 months or a fine not exceeding \$500 or both.

12 (3) If the value of all money, goods, services, and other things of value
13 obtained in violation of this section [does not exceed] **IS LESS THAN** \$100, a person who
14 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
15 not exceeding 90 days or a fine not exceeding \$500 or both.

16 8–207.

17 (a) If a person is authorized by an issuer to furnish money, goods, services, or
18 anything of value on presentation of a credit card by the cardholder, the person or an agent
19 or employee of the person may not, with the intent to defraud the issuer or cardholder:

20 (1) furnish money, goods, services, or anything of value on presentation of:

21 (i) a credit card obtained or retained in violation of § 8–204 or §
22 8–205 of this subtitle; or

23 (ii) a credit card that the person knows is counterfeit; or

24 (2) fail to furnish money, goods, services, or anything of value that the
25 person represents in writing to the issuer that the person has furnished.

26 (b) (1) (i) If the value of all money, goods, services, and other things of
27 value furnished or not furnished in violation of this section is at least [\$1,000] **\$2,000** but
28 less than [\$10,000] **\$25,000**, a person who violates this section is guilty of a felony and on
29 conviction is subject to imprisonment not exceeding [10] **5** years or a fine not exceeding
30 \$10,000 or both.

31 (ii) If the value of all money, goods, services, and other things of
32 value furnished or not furnished in violation of this section is at least [\$10,000] **\$25,000**
33 but less than \$100,000, a person who violates this section is guilty of a felony and on
34 conviction is subject to imprisonment not exceeding [15] **10** years or a fine not exceeding
35 \$15,000 or both.

1 (iii) If the value of all money, goods, services, and other things of
2 value furnished or not furnished in violation of this section is \$100,000 or more, a person
3 who violates this section is guilty of a felony and on conviction is subject to imprisonment
4 not exceeding **[25] 20** years or a fine not exceeding \$25,000 or both.

5 (2) Except as provided in paragraph (3) of this subsection, if the value of
6 all money, goods, services, and other things of value furnished or not furnished in violation
7 of this section is **AT LEAST \$100 BUT** less than **[\$1,000] \$2,000**, a person who violates this
8 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
9 exceeding **[18] 12** months or a fine not exceeding \$500 or both.

10 (3) If the value of all money, goods, services, and other things of value
11 furnished or not furnished in violation of this section **[does not exceed] IS LESS THAN** \$100,
12 a person who violates this section is guilty of a misdemeanor and on conviction is subject
13 to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

14 8–209.

15 (a) A person may not receive money, goods, services, or anything of value if the
16 person knows or believes that the money, goods, services, or other thing of value was
17 obtained in violation of § 8–206 of this subtitle.

18 (b) (1) (i) If the value of all money, goods, services, and other things of
19 value obtained in violation of this section is at least **[\$1,000] \$2,000** but less than **[\$10,000]**
20 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject
21 to imprisonment not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both.

22 (ii) If the value of all money, goods, services, and other things of
23 value obtained in violation of this section is at least **[\$10,000] \$25,000** but less than
24 \$100,000, a person who violates this section is guilty of a felony and on conviction is subject
25 to imprisonment not exceeding **[15] 10** years or a fine not exceeding \$15,000 or both.

26 (iii) If the value of all money, goods, services, and other things of
27 value obtained in violation of this section is \$100,000 or more, a person who violates this
28 section is guilty of a felony and on conviction is subject to imprisonment not exceeding **[25]**
29 **20** years or a fine not exceeding \$25,000 or both.

30 (2) Except as provided in paragraph (3) of this subsection, if the value of
31 all money, goods, services, and other things of value obtained in violation of this section is
32 **AT LEAST \$100 BUT** less than **[\$1,000] \$2,000**, a person who violates this section is guilty
33 of a misdemeanor and on conviction is subject to imprisonment not exceeding **[18] 12**
34 months or a fine not exceeding \$500 or both.

35 (3) If the value of all money, goods, services, and other things of value
36 obtained in violation of this section **[does not exceed] IS LESS THAN** \$100, a person who

1 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
2 not exceeding 90 days or a fine not exceeding \$500 or both.

3 8–301.

4 (a) (1) In this section the following words have the meanings indicated.

5 (2) “Health care” means care, services, or supplies related to the health of
6 an individual that includes the following:

7 (i) preventative, diagnostic, therapeutic, rehabilitative,
8 maintenance care, palliative care and counseling, service assessment, or procedure:

9 1. with respect to the physical or mental condition or
10 functional status of an individual; or

11 2. that affects the structure or function of the body; and

12 (ii) the sale or dispensing of a drug, device, equipment, or other item
13 in accordance with a prescription.

14 (3) “Health information” means any information, whether oral or recorded
15 in any form or medium, that:

16 (i) is created or received by:

17 1. a health care provider;

18 2. a health care carrier;

19 3. a public health authority;

20 4. an employer;

21 5. a life insurer;

22 6. a school or university; or

23 7. a health care clearinghouse; and

24 (ii) relates to the:

25 1. past, present, or future physical or mental health or
26 condition of an individual;

27 2. provision of health care to an individual; or

1 (1) to avoid identification, apprehension, or prosecution for a crime; or

2 (2) with fraudulent intent to:

3 (i) get a benefit, credit, good, service, or other thing of value;

4 (ii) access health information or health care; or

5 (iii) avoid the payment of debt or other legal obligation.

6 (d) A person may not knowingly, willfully, and with fraudulent intent to obtain a
7 benefit, credit, good, service, or other thing of value or to access health information or health
8 care, use:

9 (1) a re-encoder to place information encoded on the magnetic strip or
10 stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any
11 other electronic medium that allows such a transaction to occur without the consent of the
12 individual authorized to use the credit card from which the personal identifying
13 information or payment device number is being re-encoded; or

14 (2) a skimming device to access, read, scan, obtain, memorize, or store
15 personal identifying information or a payment device number on the magnetic strip or
16 stripe of a credit card without the consent of the individual authorized to use the credit
17 card.

18 (e) A person may not knowingly, willfully, and with fraudulent intent possess,
19 obtain, or help another possess or obtain a re-encoder device or a skimming device for the
20 unauthorized use, sale, or transfer of personal identifying information or a payment device
21 number.

22 (f) A person may not knowingly and willfully claim to represent another person
23 without the knowledge and consent of that person, with the intent to solicit, request, or
24 take any other action to otherwise induce another person to provide personal identifying
25 information or a payment device number.

26 (g) (1) (i) A person who violates this section where the benefit, credit, good,
27 service, health information or health care, or other thing of value that is the subject of
28 subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$2,000** but less than
29 ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not
30 exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

31 (ii) A person who violates this section where the benefit, credit, good,
32 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
33 has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and
34 on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding
35 \$15,000 or both.

1 (iii) A person who violates this section where the benefit, credit, good,
2 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
3 has a value of \$100,000 or more is guilty of a felony and on conviction is subject to
4 imprisonment not exceeding **[25] 20** years or a fine not exceeding \$25,000 or both.

5 (2) A person who violates this section where the benefit, credit, good,
6 service, health information or health care, or other thing of value that is the subject of
7 subsection (b), (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than
8 **[\$1,000] \$2,000** is guilty of a misdemeanor and on conviction is subject to imprisonment
9 not exceeding **[18] 12** months or a fine not exceeding \$500 or both.

10 (3) A person who violates this section under circumstances that reasonably
11 indicate that the person's intent was to manufacture, distribute, or dispense another
12 individual's personal identifying information without that individual's consent is guilty of
13 a felony and on conviction is subject to imprisonment not exceeding **[15] 10** years or a fine
14 not exceeding \$25,000 or both.

15 (4) A person who violates subsection (b-1), (c)(1), (e), or (f) of this section is
16 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding **[18]**
17 **12** months or a fine not exceeding \$500 or both.

18 (5) When the violation of this section is pursuant to one scheme or
19 continuing course of conduct, whether from the same or several sources, the conduct may
20 be considered as one violation and the value of the benefit, credit, good, service, or other
21 thing of value may be aggregated in determining whether the violation is a felony or
22 misdemeanor.

23 8-516.

24 (a) If a violation of this part results in the death of an individual, a person who
25 violates a provision of this part is guilty of a felony and on conviction is subject to
26 imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

27 (b) If a violation of this part results in serious injury to an individual, a person
28 who violates a provision of this part is guilty of a felony and on conviction is subject to
29 imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

30 (c) If the value of the money, health care services, or other goods or services
31 involved is **[\$1,000] \$2,000** or more in the aggregate, a person who violates a provision of
32 this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5
33 years or a fine not exceeding \$100,000 or both.

34 (d) A person who violates any other provision of this part is guilty of a
35 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
36 not exceeding \$50,000 or both.

1 (e) (1) In this subsection, “business entity” includes an association, firm,
2 institution, partnership, and corporation.

3 (2) A business entity that violates a provision of this part is subject to a
4 fine not exceeding:

5 (i) \$250,000 for each felony; and

6 (ii) \$100,000 for each misdemeanor.

7 8–611.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) “Counterfeit mark” means:

10 (i) an unauthorized copy of intellectual property; or

11 (ii) intellectual property affixed to goods knowingly sold, offered for
12 sale, manufactured, or distributed, to identify services offered or rendered, without the
13 authority of the owner of the intellectual property.

14 (3) “Intellectual property” means a trademark, service mark, trade name,
15 label, term, device, design, or word adopted or used by a person to identify the goods or
16 services of the person.

17 (4) “Retail value” means:

18 (i) a trademark counterfeiter’s selling price for the goods or services
19 that bear or are identified by the counterfeit mark; or

20 (ii) a trademark counterfeiter’s selling price of the finished product,
21 if the goods that bear a counterfeit mark are components of the finished product.

22 (5) “Trademark counterfeiter” means a person who commits the crime of
23 trademark counterfeiting prohibited by this section.

24 (b) A person may not willfully manufacture, produce, display, advertise,
25 distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services
26 that the person knows are bearing or are identified by a counterfeit mark.

27 (c) If the aggregate retail value of the goods or services is [~~\$1,000~~] **\$2,000** or
28 more, a person who violates this section is guilty of the felony of trademark counterfeiting
29 and on conviction:

1 (1) is subject to imprisonment not exceeding [15] 10 years or a fine not
2 exceeding \$10,000 or both; and

3 (2) shall transfer all of the goods to the owner of the intellectual property.

4 (d) If the aggregate retail value of the goods or services is less than [\$1,000]
5 \$2,000, a person who violates this section is guilty of the misdemeanor of trademark
6 counterfeiting and on conviction:

7 (1) is subject to[:

8 (i) for a first violation,] imprisonment not exceeding [18] 12 months
9 or a fine not exceeding \$1,000 or both[; or

10 (ii) for each subsequent violation, imprisonment not exceeding 18
11 months or a fine not exceeding \$5,000 or both]; and

12 (2) shall transfer all of the goods to the owner of the intellectual property.

13 (e) An action or prosecution for trademark counterfeiting in which the aggregate
14 retail value of the goods or services is less than [\$1,000] \$2,000 shall be commenced within
15 2 years after the commission of the crime.

16 (f) Any goods bearing a counterfeit mark are subject to seizure by a law
17 enforcement officer to preserve the goods for transfer to the owner of the intellectual
18 property either:

19 (1) under an agreement with the person alleged to have committed the
20 crime; or

21 (2) after a conviction under this section.

22 (g) State or federal registration of intellectual property is prima facie evidence
23 that the intellectual property is a trademark or trade name.

24 8–801.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “Deception” has the meaning stated in § 7–101 of this article.

27 (3) “Deprive” has the meaning stated in § 7–101 of this article.

28 (4) “Obtain” has the meaning stated in § 7–101 of this article.

29 (5) “Property” has the meaning stated in § 7–101 of this article.

1 (6) (i) “Undue influence” means domination and influence amounting
2 to force and coercion exercised by another person to such an extent that a vulnerable adult
3 or an individual at least 68 years old was prevented from exercising free judgment and
4 choice.

5 (ii) “Undue influence” does not include the normal influence that one
6 member of a family has over another member of the family.

7 (7) “Value” has the meaning stated in § 7–103 of this article.

8 (8) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

9 (b) (1) A person may not knowingly and willfully obtain by deception,
10 intimidation, or undue influence the property of an individual that the person knows or
11 reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult
12 of the vulnerable adult’s property.

13 (2) A person may not knowingly and willfully obtain by deception,
14 intimidation, or undue influence the property of an individual that the person knows or
15 reasonably should know is at least 68 years old, with intent to deprive the individual of the
16 individual’s property.

17 (c) (1) (i) A person convicted of a violation of this section when the value of
18 the property is at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony
19 and:

20 1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a
21 fine not exceeding \$10,000 or both; and

22 2. shall restore the property taken or its value to the owner,
23 or, if the owner is deceased, restore the property or its value to the owner’s estate.

24 (ii) A person convicted of a violation of this section when the value of
25 the property is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

26 1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or
27 a fine not exceeding \$15,000 or both; and

28 2. shall restore the property taken or its value to the owner,
29 or, if the owner is deceased, restore the property or its value to the owner’s estate.

30 (iii) A person convicted of a violation of this section when the value of
31 the property is \$100,000 or more is guilty of a felony and:

32 1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or
33 a fine not exceeding \$25,000 or both; and

1 2. shall restore the property taken or its value to the owner,
2 or, if the owner is deceased, restore the property or its value to the owner's estate.

3 (2) A person convicted of a violation of this section when the value of the
4 property is less than ~~[\$1,000]~~ **\$2,000** is guilty of a misdemeanor and:

5 (i) is subject to imprisonment not exceeding ~~[18]~~ **12** months or a fine
6 not exceeding \$500 or both; and

7 (ii) shall restore the property taken or its value to the owner, or, if
8 the owner is deceased, restore the property or its value to the owner's estate.

9 ~~14-101.~~

10 (a) ~~In this section, "crime of violence" means:~~

11 ~~(1) abduction;~~

12 ~~(2) arson in the first degree;~~

13 ~~(3) kidnapping;~~

14 ~~(4) manslaughter, except involuntary manslaughter;~~

15 ~~(5) mayhem;~~

16 ~~(6) maiming, as previously proscribed under former Article 27, §§ 385 and~~
17 ~~386 of the Code;~~

18 ~~(7) murder;~~

19 ~~(8) rape;~~

20 ~~(9) robbery under § 3-402 or § 3-403 of this article;~~

21 ~~(10) earjacking;~~

22 ~~(11) armed earjacking;~~

23 ~~(12) sexual offense in the first degree;~~

24 ~~(13) sexual offense in the second degree;~~

25 ~~(14) use of a handgun in the commission of a felony or other crime of~~
26 ~~violence;~~

1 ~~(15) child abuse in the first degree under § 3-601 of this article;~~

2 ~~(16) sexual abuse of a minor under § 3-602 of this article if:~~

3 ~~(i) the victim is under the age of 13 years and the offender is an~~
4 ~~adult at the time of the offense; and~~

5 ~~(ii) the offense involved:~~

6 ~~1. vaginal intercourse, as defined in § 3-301 of this article;~~

7 ~~2. a sexual act, as defined in § 3-301 of this article;~~

8 ~~3. an act in which a part of the offender's body penetrates,~~
9 ~~however slightly, into the victim's genital opening or anus; or~~

10 ~~4. the intentional touching, not through the clothing, of the~~
11 ~~victim's or the offender's genital, anal, or other intimate area for sexual arousal,~~
12 ~~gratification, or abuse;~~

13 ~~(17) an attempt to commit any of the crimes described in items (1) through~~
14 ~~(16) of this subsection;~~

15 ~~(18) continuing course of conduct with a child under § 3-315 of this article;~~

16 ~~(19) assault in the first degree;~~

17 ~~(20) assault with intent to murder;~~

18 ~~(21) assault with intent to rape;~~

19 ~~(22) assault with intent to rob;~~

20 ~~(23) assault with intent to commit a sexual offense in the first degree; and~~

21 ~~(24) assault with intent to commit a sexual offense in the second degree.~~

22 ~~(b) (1) Except as provided in subsection (f) of this section, on conviction for a~~
23 ~~fourth time of a crime of violence, a person who has served three separate terms of~~
24 ~~confinement in a correctional facility as a result of three separate convictions of any crime~~
25 ~~of violence shall be sentenced to life imprisonment without the possibility of parole.~~

26 ~~(2) Notwithstanding any other law, the provisions of this subsection are~~
27 ~~mandatory.~~

~~(e) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:~~

~~(i) has been convicted of a crime of violence on two prior separate occasions;~~

~~1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and~~

~~2. for which the convictions do not arise from a single incident; and~~

~~(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.~~

~~(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.~~

~~(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.~~

~~(d) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:~~

~~(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and~~

~~(ii) served a term of confinement in a correctional facility for that conviction.~~

~~(2) The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.~~

~~(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.~~

~~(f) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(2) A person sentenced under this section may petition for and be granted parole if the person:~~

~~(i) is at least [65] 60 years old; and~~

1 [(k)] (L) "Nolo contendere" means a plea stating that the defendant will not
 2 contest the charge but does not admit guilt or claim innocence.

3 [(l)] (M) "Person" means an individual, receiver, trustee, guardian, personal
 4 representative, fiduciary, representative of any kind, partnership, firm, association,
 5 corporation, or other entity.

6 [(m)] (N) "Secretary" means the Secretary of the Department of Public Safety and
 7 Correctional Services.

8 [(n)] (O) "State" means:

9 (1) a state, possession, territory, or commonwealth of the United States; or

10 (2) the District of Columbia.

11 [(o)] (P) "State correctional facility" has the meaning stated in § 1-101 of the
 12 Correctional Services Article.

13 ~~(P)~~ **(Q) "TECHNICAL VIOLATION" MEANS A VIOLATION OF A CONDITION**
 14 **OF PROBATION THAT DOES NOT INCLUDE:**

15 **(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A**
 16 **STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;**

17 **(2) A CONVICTION; ~~OR~~**

18 **(3) A VIOLATION OF A NO CONTACT OR STAY-AWAY ORDER; OR**

19 **(4) ABSCONDING.**

20 ~~§ 209.~~

21 ~~(a) The Commission shall review annually sentencing policy and practice and, on~~
 22 ~~or before January 31 of each year, report to the General Assembly, in accordance with §~~
 23 ~~2-1246 of the State Government Article, on the activities of the preceding calendar year.~~

24 ~~(b) (1) The report shall:~~

25 ~~(i) include any changes to the sentencing guidelines made during~~
 26 ~~the preceding year;~~

27 ~~(ii) review judicial compliance with the sentencing guidelines,~~
 28 ~~including compliance by crime and by judicial circuit;~~

1 ~~(iii) review reductions or increases in original sentences that have~~
2 ~~occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal~~
3 ~~Law Article; [and]~~

4 ~~(iv) categorize information on the number of reconsiderations of~~
5 ~~sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial~~
6 ~~circuit; AND~~

7 ~~(v) REVIEW JUDICIAL COMPLIANCE WITH THE GUIDELINES FOR~~
8 ~~SUSPENDED SENTENCES ESTABLISHED UNDER PARAGRAPH (3) OF THIS~~
9 ~~SUBSECTION.~~

10 ~~(2) The Commission shall consider a sentence to a corrections options~~
11 ~~program to be within the sentencing guidelines if the sentence falls within a corrections~~
12 ~~options zone shown on the matrix.~~

13 ~~(3) THE COMMISSION SHALL INCLUDE A SUSPENDED PORTION OF A~~
14 ~~SENTENCE IN THE DETERMINATION OF WHETHER A SENTENCE IS COMPLIANT WITH~~
15 ~~THE SENTENCING GUIDELINES.~~

16 6-223.

17 (a) A circuit court or the District Court may end the period of probation at any
18 time.

19 (b) On receipt of written charges, filed under oath, that a probationer or
20 defendant violated a condition of probation during the period of probation, the District
21 Court may, during the period of probation or within 30 days after the violation, whichever
22 is later, issue a warrant or notice requiring the probationer or defendant to be brought or
23 appear before the judge issuing the warrant or notice:

24 (1) to answer the charge of violation of a condition of probation or of
25 suspension of sentence; and

26 (2) to be present for the setting of a timely hearing date for that charge.

27 (c) Pending the hearing or determination of the charge, a circuit court or the
28 District Court may remand the probationer or defendant to a correctional facility or release
29 the probationer or defendant with or without bail.

30 (d) If, at the hearing, a circuit court or the District Court finds that the
31 probationer or defendant has violated a condition of probation, the court may:

32 (1) revoke the probation granted or the suspension of sentence; and

1 (2) **(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A**
 2 **TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:**

3 1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL
 4 **VIOLATION;**

5 2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL
 6 **VIOLATION; AND**

7 3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL
 8 **VIOLATION; AND**

9 **(II) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR**
 10 **A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might**
 11 **have originally been imposed for the crime of which the probationer or defendant was**
 12 **convicted or pleaded nolo contendere.**

13 **(3) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER**
 14 **THIS SUBSECTION IF:**

15 **(I) THE COURT FINDS AND STATES ON THE RECORD:**

16 ~~1.~~ THAT ADHERING TO THE LIMITS WOULD CREATE A
 17 **RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR**

18 ~~2.~~ ~~OTHER GOOD CAUSE; OR~~

19 **(II) THE COURT COMMITS THE PROBATIONER OR DEFENDANT**
 20 **TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER**
 21 **§ 8-507 OF THE HEALTH – GENERAL ARTICLE.**

22 6-224.

23 (a) This section applies to a defendant who is convicted of a crime for which the
 24 court:

25 (1) does not impose a sentence;

26 (2) suspends the sentence generally;

27 (3) places the defendant on probation for a definite time; or

28 (4) passes another order and imposes other conditions of probation.

(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:

(1) **SUBJECT TO SUBSECTION (C) OF THIS SECTION**, may sentence the defendant to:

(i) all or any part of the period of imprisonment imposed in the original sentence; or

(ii) any sentence allowed by law, if a sentence was not imposed before; and

(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6-222 of this subtitle.

~~(c) **(1)**~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE JUDGE FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT IS A TECHNICAL VIOLATION, THE JUDGE MAY IMPOSE A PERIOD OF INCARCERATION OF:**

~~(1)~~ **(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;**

~~(2)~~ **(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;**

~~(3)~~ **(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND**

~~(4)~~ **(IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.**

(2) THE COURT MAY DEPART FROM THE LIMITS PROVIDED UNDER THIS SUBSECTION IF:

(I) THE COURT FINDS AND STATES ON THE RECORD:

1. THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A VICTIM OR WITNESS; OR

2. OTHER GOOD CAUSE; OR

1 **(II) THE COURT COMMITS THE PROBATIONER OR DEFENDANT**
2 **TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER**
3 **§ 8-507 OF THE HEALTH – GENERAL ARTICLE.**

4 **(D)** (1) The District Court judge who originally imposed conditions of probation
5 or suspension of sentence shall hear any charge of violation of the conditions of probation
6 or suspension of sentence.

7 (2) Except as provided in paragraph (3) of this subsection, the judge shall
8 sentence the defendant if probation is revoked or suspension stricken.

9 (3) If the judge has been removed from office, has died or resigned, or is
10 otherwise incapacitated, any other judge of the District Court may act in the matter.

11 **10-110.**

12 **(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR**
13 **EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD**
14 **MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE**
15 **PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:**

16 **(1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

17 **(2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS**
18 **OCCUPATIONS AND PROFESSIONS ARTICLE;**

19 **(3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR**
20 **SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;**

21 **(4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;**

22 **(5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW**
23 **ARTICLE;**

24 **(6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;**

25 **(7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;**

26 **(8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902**
27 **OF THE CRIMINAL LAW ARTICLE;**

28 **(9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR §**
29 **6-503 OF THE CRIMINAL LAW ARTICLE;**

1 **(10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 **(11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, §**
4 **8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;**

5 **(12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW**
6 **ARTICLE;**

7 **(13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE**
8 **CRIMINAL LAW ARTICLE;**

9 **(14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;**

10 **(15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, §**
11 **12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;**

12 **(16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;**

13 **(17) § 4-509 OF THE FAMILY LAW ARTICLE;**

14 **(18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;**

15 **(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;**

16 **(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, §**
17 **27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;**

18 **(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC**
19 **SAFETY ARTICLE;**

20 **(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY**
21 **ARTICLE;**

22 **(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;**

23 **(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX –**
24 **GENERAL ARTICLE;**

25 **(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL**
26 **CONTEMPT, OR HINDERING; OR**

27 **(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE**
28 **LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.**

1 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
2 **SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT**
3 **IN WHICH THE PROCEEDING BEGAN.**

4 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED**
6 **TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO**
7 **WHICH THE PROCEEDING WAS TRANSFERRED.**

8 **(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS**
9 **TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS**
10 **ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL**
11 **JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.**

12 **(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL**
13 **JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION,**
14 **THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.**

15 **(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE**
16 **COURT OF ORIGINAL JURISDICTION.**

17 **(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE**
18 **FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR**
19 **SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS**
20 **REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.**

21 **(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE**
22 **APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE**
23 **ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT**
24 **UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.**

25 **(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON**
26 **IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.**

27 **(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE**
28 **CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY**
29 **OTHER CONVICTION IN THE UNIT.**

30 **(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR**
31 **EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.**

32 **(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE**
33 **EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE**
34 **PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT**

1 FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL
2 INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.

3 (3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN
4 OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE
5 PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE
6 EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE
7 CHARGE.

8 (F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY
9 OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

10 (2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE
11 RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE
12 COURT FINDS AND STATES ON THE RECORD:

13 (I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT
14 UNDER SUBSECTION (A) OF THIS SECTION;

15 (II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER
16 SUBSECTION (D) OF THIS SECTION;

17 (III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME,
18 THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT
19 REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND

20 (IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF
21 JUSTICE.

22 (G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED
23 TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

24 (H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER
25 ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT
26 RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN
27 WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF
28 COMPLIANCE WITH THE ORDER.

29 (I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.

30 (2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS
31 ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.

1 (b) The Criminal Injuries Compensation Fund:

2 (1) shall be used to:

3 (i) carry out the provisions of this subtitle; and

4 (ii) distribute restitution payments forwarded to the Fund under [§
5 11-604] § 9-614 of the Correctional Services Article; and

6 (2) may be used for:

7 (i) any award given under this subtitle; and

8 (ii) the costs of carrying out this subtitle.

9 **Article – Health – General**

10 8-505.

11 (a) (1) Before or during a criminal trial, before or after sentencing, or before or
12 during a term of probation, the court may order the Department to evaluate a defendant to
13 determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may
14 benefit from treatment if:

15 (i) It appears to the court that the defendant has an alcohol or drug
16 abuse problem; or

17 (ii) The defendant alleges an alcohol or drug dependency.

18 (2) A court shall set and may change the conditions under which an
19 examination is to be conducted under this section.

20 (3) The Department shall ensure that each evaluation under this section is
21 conducted in accordance with regulations adopted by the Department.

22 (b) On consideration of the nature of the charge, the court:

23 (1) May require or permit an examination to be conducted on an outpatient
24 basis; and

25 (2) If an outpatient examination is authorized, shall set bail for the
26 defendant or authorize the release of the defendant on personal recognizance.

27 (c) (1) If a defendant is to be held in custody for examination under this
28 section:

1 (i) The defendant may be confined in a detention facility until the
2 Department is able to conduct the examination; or

3 (ii) The court may order confinement of the defendant in a medical
4 wing or other isolated and secure unit of a detention facility, if the court finds it appropriate
5 for the health or safety of the defendant.

6 (2) (i) If the court finds that, because of the apparent severity of the
7 alcohol or drug dependency or other medical or psychiatric complications, a defendant in
8 custody would be endangered by confinement in a jail, the court may order the Department
9 to either:

10 1. Place the defendant, pending examination, in an
11 appropriate health care facility; or

12 2. Immediately conduct an evaluation of the defendant.

13 (ii) Unless the Department retains a defendant, the defendant shall
14 be promptly returned to the court after an examination.

15 (iii) A defendant who is detained for an examination under this
16 section may question at any time the legality of the detention by a petition for a writ of
17 habeas corpus.

18 (d) (1) If a court orders an evaluation under this section, the evaluator shall:

19 (i) Conduct an evaluation of the defendant; and

20 (ii) Submit a complete report of the evaluation within 7 days to the:

21 1. Court;

22 2. Department; and

23 3. Defendant or the defendant's attorney.

24 (2) On good cause shown, a court may extend the time for an evaluation
25 under this section.

26 (3) Whenever an evaluator recommends treatment, the evaluator's report
27 shall:

28 (i) Name a specific program able to IMMEDIATELY provide the
29 recommended treatment; and

30 (ii) Give an actual or estimated date when the program can begin
31 treatment of the defendant.

1 (e) (1) The Department shall IMMEDIATELY provide the services required by
2 this section.

3 (2) A designee of the Department may carry out any of its duties under this
4 section [if appropriate funding is provided].

5 (f) Evaluations performed in facilities operated by the Department of Public
6 Safety and Correctional Services shall be conducted by the Administration.

7 8–507.

8 (a) Subject to the limitations in this section, a court that finds in a criminal case
9 or during a term of probation that a defendant has an alcohol or drug dependency may
10 commit the defendant as a condition of release, after conviction, or at any other time the
11 defendant voluntarily agrees to participate in treatment, to the Department for treatment
12 that the Department recommends, even if:

13 (1) The defendant did not timely file a motion for reconsideration under
14 Maryland Rule 4–345; or

15 (2) The defendant timely filed a motion for reconsideration under
16 Maryland Rule 4–345 which was denied by the court.

17 (b) Before a court commits a defendant to the Department under this section, the
18 court shall:

19 (1) Offer the defendant the opportunity to receive treatment;

20 (2) Obtain the written consent of the defendant:

21 (i) To receive treatment; and

22 (ii) To have information reported back to the court;

23 (3) Order an evaluation of the defendant under § 8–505 or § 8–506 of this
24 subtitle;

25 (4) Consider the report on the defendant’s evaluation; and

26 (5) Find that the treatment that the Department recommends to be
27 appropriate and necessary.

28 (c) Immediately on receiving an order for treatment under this section, the
29 Department shall order a report of all pending cases, warrants, and detainers for the
30 defendant and forward a copy of the report to the court, the defendant, and the defendant’s
31 last attorney of record.

1 (d) (1) The Department shall provide the services required by this section.

2 (2) A designee of the Department may carry out any of the Department's
3 duties under this section ~~if appropriate funding is provided.~~

4 (e) (1) A court may not order that the defendant be delivered for treatment
5 until:

6 (i) ~~The Department gives the court notice that an appropriate
7 treatment program is able to begin treatment of the defendant;~~

8 ~~(ii)~~ Any detainer based on an untried indictment, information,
9 warrant, or complaint for the defendant has been removed; and

10 ~~(iii)~~ **(II)** Any sentence of incarceration for the defendant is no
11 longer in effect.

12 (2) The Department shall facilitate [the prompt] **THE IMMEDIATE**
13 treatment of a defendant ~~**WITHOUT UNNECESSARY DELAY AND IN NO EVENT LATER**~~
14 ~~**THAN 30 DAYS FROM THE ORDER UNLESS THE COURT FINDS EXIGENT**~~
15 ~~**CIRCUMSTANCES TO DELAY COMMITMENT FOR TREATMENT FOR NO LONGER THAN**~~
16 ~~**30 DAYS.**~~

17 **(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT**
18 **UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN ~~30~~ 7 DAYS OF THE**
19 **ORDER, THE COURT ~~MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE~~**
20 **~~REASON FOR THE LACK OF PLACEMENT~~ MAY ISSUE A SHOW CAUSE ORDER FOR THE**
21 **DEPARTMENT TO APPEAR AND EXPLAIN WHY THE DEPARTMENT SHOULD NOT BE**
22 **HELD IN CONTEMPT UNDER TITLE 15 OF THE MARYLAND RULES.**

23 (f) For a defendant committed for treatment under this section, a court shall
24 order supervision of the defendant:

25 (1) By an appropriate pretrial release agency, if the defendant is released
26 pending trial;

27 (2) By the Division of Parole and Probation under appropriate conditions
28 in accordance with §§ 6-219 through 6-225 of the Criminal Procedure Article and Maryland
29 Rule 4-345, if the defendant is released on probation; or

30 (3) By the Department, if the defendant remains in the custody of a local
31 correctional facility.

32 (g) A court may order law enforcement officials, detention center staff,
33 Department of Public Safety and Correctional Services staff, or sheriff's department staff

1 within the appropriate local jurisdiction to transport a defendant to and from treatment
2 under this section.

3 (h) The Department shall promptly report to a court a defendant's withdrawal of
4 consent to treatment and have the defendant returned to the court within 7 days for further
5 proceedings.

6 (i) A defendant who is committed for treatment under this section may question
7 at any time the legality of the commitment by a petition for a writ of habeas corpus.

8 (j) (1) A commitment under this section shall be for at least 72 hours and not
9 more than 1 year.

10 (2) On good cause shown by the Department, the court, or the State, the
11 court may extend the time period for providing the necessary treatment services in
12 increments of 6 months.

13 (3) Except during the first 72 hours after admission of a defendant to a
14 treatment program, the Department may terminate the treatment if the Department
15 determines that:

16 (i) Continued treatment is not in the best interest of the defendant;
17 or

18 (ii) The defendant is no longer amenable to treatment.

19 (k) When a defendant is to be released from treatment under this section, the
20 Department shall notify the court that ordered the treatment.

21 (l) (1) If a defendant leaves treatment without authorization, the
22 responsibility of the Department is limited to the notification of the court that ordered the
23 defendant's treatment as soon as it is reasonably possible.

24 (2) Notice under this subsection shall constitute probable cause for a court
25 to issue a warrant for the arrest of a defendant.

26 (m) Nothing in this section imposes any obligation on the Department:

27 (1) To treat any defendant who knowingly and willfully declines to consent
28 to further treatment; or

29 (2) In reporting to the court under this section, to include an assessment of
30 a defendant's dangerousness to one's self, to another individual, or to the property of
31 another individual by virtue of a drug or alcohol problem.

1 (n) Time during which a defendant is held under this section for inpatient
 2 evaluation or inpatient or residential treatment shall be credited against any sentence
 3 imposed by the court that ordered the evaluation or treatment.

4 (o) This section may not be construed to limit a court's authority to order drug
 5 treatment in lieu of incarceration under Title 5 of the Criminal Law Article.

6 Article – State Finance and Procurement

7 6–226.

8 (a) (2) (i) Notwithstanding any other provision of law, and unless
 9 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 10 terms of a gift or settlement agreement, net interest on all State money allocated by the
 11 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 12 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 13 Fund of the State.

14 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 15 to the following funds:

16 84. the Economic Development Marketing Fund; [and]

17 85. the Military Personnel and Veteran–Owned Small
 18 Business No–Interest Loan Fund; AND

19 86. THE PERFORMANCE INCENTIVE COUNTY GRANT
 20 FUND.

21 Article – State Government

22 SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.

23 9–3201.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 25 INDICATED.

26 (B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

27 (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
 28 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

29 (D) “FUND” MEANS THE PERFORMANCE INCENTIVE COUNTY GRANT FUND
 30 ESTABLISHED IN § 9–3209 OF THIS SUBTITLE.

1 **9-3202.**

2 **THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE**
3 **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**

4 **9-3203.**

5 **(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

6 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE**
7 **PRESIDENT OF THE SENATE;**

8 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE**
9 **SPEAKER OF THE HOUSE;**

10 **(3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S**
11 **DESIGNEE;**

12 **(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**
13 **SERVICES, OR THE SECRETARY'S DESIGNEE;**

14 **(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE**
15 **CHAIR'S DESIGNEE;**

16 **(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S**
17 **DESIGNEE;**

18 **(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S**
19 **DESIGNEE;**

20 **(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S**
21 **DESIGNEE;**

22 **(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
23 **SECRETARY'S DESIGNEE;**

24 **(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
25 **SECRETARY'S DESIGNEE;**

26 **(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE**
27 **REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;**

28 **(12) ~~ONE MEMBER~~ TWO MEMBERS APPOINTED BY THE CHIEF JUDGE**
29 **OF THE COURT OF APPEALS;**

1 (13) ~~ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE DISTRICT~~
 2 ~~COURT OF MARYLAND~~ ONE MEMBER APPOINTED BY THE MARYLAND SHERIFFS'
 3 ASSOCIATION; AND

4 (14) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR
 5 WITH THE ADVICE AND CONSENT OF THE SENATE:

6 (I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

7 (II) ONE MEMBER REPRESENTING THE MARYLAND STATE'S
 8 ATTORNEYS' ASSOCIATION;

9 (III) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND

10 (IV) ~~ONE MEMBER~~ TWO MEMBERS REPRESENTING THE
 11 MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION THAT INCLUDES ONE
 12 REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE
 13 REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY.

14 (B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS
 15 SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE
 16 MEMBERSHIP OF THE BOARD.

17 (C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

18 (2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE
 19 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD
 20 ON OCTOBER 1, 2016.

21 (3) AT THE END OF A TERM, AN APPOINTED MEMBER:

22 (I) IS ELIGIBLE FOR REAPPOINTMENT; AND

23 (II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED
 24 AND QUALIFIES.

25 (4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM
 26 HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A
 27 SUCCESSOR IS APPOINTED AND QUALIFIES.

28 **9-3204.**

29 (A) ~~THE EXECUTIVE DIRECTOR IS~~ GOVERNOR SHALL APPOINT THE CHAIR
 30 OF THE BOARD.

1 **(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE**
2 **CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.**

3 **9-3205.**

4 **(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**
5 **QUORUM.**

6 **(B) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR AT THE TIMES**
7 **AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.**

8 **(C) A MEMBER OF THE BOARD:**

9 **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD;**
10 **BUT**

11 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
12 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

13 **9-3206.**

14 **THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL**
15 **PROVIDE STAFF FOR THE BOARD.**

16 **9-3207.**

17 **(A) THE BOARD SHALL:**

18 **(1) MONITOR PROGRESS AND COMPLIANCE WITH THE**
19 **IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**
20 **COORDINATING COUNCIL;**

21 **(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL**
22 **GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION,**
23 **REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO**
24 **IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**
25 **COORDINATING COUNCIL;**

26 **(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY**
27 **RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL**
28 **JUSTICE POLICY CHANGES;**

1 (4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208
2 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;

3 ~~(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY~~
4 ~~AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE~~
5 ~~ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE~~
6 ~~COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE~~
7 ~~MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE~~
8 ~~RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;~~

9 ~~(6) CREATE PERFORMANCE MEASURES TO ASSESS THE~~
10 ~~EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS~~
11 ~~SUBTITLE; AND~~

12 ~~(7) CONSULT AND COORDINATE WITH:~~

13 ~~(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT~~
14 ~~COMMISSION; AND~~

15 ~~(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS~~
16 ~~CONCERNING JUSTICE REINVESTMENT ISSUES.~~

17 (5) CREATE PERFORMANCE MEASURES TO ASSESS THE
18 EFFECTIVENESS OF THE GRANTS;

19 (6) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY
20 AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE
21 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE
22 COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE
23 MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE IMPLEMENTATION OF
24 THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING
25 COUNCIL;

26 (7) CREATE PERFORMANCE MEASURES TO ASSESS THE
27 EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS
28 SUBTITLE; AND

29 (8) CONSULT AND COORDINATE WITH:

30 (I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT
31 COMMISSION; AND

32 (II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS
33 CONCERNING JUSTICE REINVESTMENT ISSUES.

1 **(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY**
2 **AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL**
3 **SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE**
4 **JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE**
5 **BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE**
6 **BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018,**
7 **THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.**

8 **(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS**
9 **THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL**
10 **DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION**
11 **MULTIPLIED BY THE VARIABLE COST.**

12 **(3) THE BOARD SHALL ANNUALLY DETERMINE THE DIFFERENCE**
13 **BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON**
14 **POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS**
15 **IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

16 **(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL**
17 **UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT**
18 **TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS,**
19 **REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS**
20 **SUBSECTION.**

21 **(5) THE BOARD SHALL ANNUALLY RECOMMEND THAT THE SAVINGS**
22 **IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE**
23 **DISTRIBUTED AS FOLLOWS:**

24 **(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE**
25 **PERFORMANCE INCENTIVE COUNTY GRANT FUND FOR PURPOSES ESTABLISHED**
26 **UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND**

27 **(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL**
28 **SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE**
29 **REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.**

30 **~~(B)~~ (C) THE BOARD MAY ENTER INTO AN AGREEMENT WITH ~~THE~~**
31 **~~MARYLAND DATA ANALYSIS CENTER AT THE UNIVERSITY OF MARYLAND~~ AN**
32 **ACADEMIC INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO**
33 **COLLECT AND INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.**

34 **9-3208.**

1 (A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY
2 AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE
3 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE
4 COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT
5 DATA TO THE BOARD IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER §
6 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:

7 (1) THE ADMISSION OF INMATES TO STATE AND LOCAL
8 CORRECTIONAL FACILITIES;

9 (2) THE LENGTH OF INMATE SENTENCES;

10 (3) THE LENGTH OF TIME BEING SERVED BY INMATES;

11 (4) RECIDIVISM;

12 (5) THE POPULATION OF COMMUNITY SUPERVISION; ~~AND~~

13 (6) INFORMATION ABOUT THE INMATE POPULATION; AND

14 (7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE
15 SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF
16 THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE
17 CORRECTIONAL SERVICES ARTICLE.

18 (B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, THE DIVISION OF
19 PRETRIAL DETENTION AND SERVICES, AND THE ADMINISTRATIVE OFFICE OF THE
20 COURTS SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE
21 PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:

22 (1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME
23 DAY EACH YEAR;

24 (2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN
25 PRETRIAL DETENTION;

26 (3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN
27 PRETRIAL DETENTION;

28 (4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE
29 RELEASE;

30 (5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE
31 PRETRIAL PERIOD; AND

1 **(6) THE DISPOSITION OF EACH CASE.**

2 **9-3209.**

3 **(A) THERE IS A PERFORMANCE INCENTIVE COUNTY GRANT FUND.**

4 **(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS**
5 **FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE**
6 **REINVESTMENT COORDINATING COUNCIL.**

7 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD**
8 **MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO**
9 **COUNTIES TO:**

10 **(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE**
11 **PROTECTED AND ENHANCED;**

12 **(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;**

13 **(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;**

14 **(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING**
15 **MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;**

16 **(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;**

17 **(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;**

18 **(VII) PROVIDE FOR SPECIALTY COURTS;**

19 **(VIII) PROVIDE FOR REENTRY PROGRAMS; ~~AND~~**

20 **(IX) PROVIDE FOR SUBSTANCE USE DISORDER AND MENTAL**
21 **HEALTH SERVICE PROGRAMS; AND**

22 **(X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT**
23 **WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION.**

25 **(3) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER**
26 **THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT**
27 **THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.**

1 **(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
2 **PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT**
3 **NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND.**

4 **(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE**
5 **BOARD SHALL ADMINISTER THE FUND.**

6 **(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY**
7 **GRANTS FROM THE FUND.**

8 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
9 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

10 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
11 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

12 **(E) THE FUND CONSISTS OF:**

13 **(1) MONEY APPROPRIATED IN THE STATE BUDGET;**

14 **(2) INTEREST EARNED ON MONEY IN THE FUND; AND**

15 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
16 **THE BENEFIT OF THE FUND.**

17 **(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN**
18 **SUBSECTION (B) OF THIS SECTION.**

19 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
20 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

21 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
22 **THE FUND.**

23 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
24 **WITH THE STATE BUDGET.**

25 **(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE**
26 **RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS**
27 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**
28 **APPROPRIATED FOR THESE PURPOSES.**

29 **9-3210.**

1 **THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO**
2 **CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.**

3 **9-3211.**

4 **(A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT**
5 **JUSTICE REINVESTMENT COMMISSION.**

6 **(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT**
7 **COMMISSION.**

8 **(C) THE COMMISSION SHALL:**

9 **(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION,**
10 **REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO**
11 **IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**
12 **COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;**

13 **(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS**
14 **TO LOCAL GOVERNMENTS FROM THE FUND; AND**

15 **(3) CREATE PERFORMANCE MEASURES TO ASSESS THE**
16 **EFFECTIVENESS OF THE GRANTS.**

17 **(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH**
18 **COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.**

19 **(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE**
20 **COMMISSION.**

21 **(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.**

22 **(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE**
23 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE**
24 **COMMISSION ON OCTOBER 1, 2016.**

25 **(3) AT THE END OF A TERM, A MEMBER:**

26 **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

27 **(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**
28 **AND QUALIFIES.**

- 1 ~~(6) § 15-312 (“Dealers: Prohibited acts—Vehicle sales transactions”);~~
- 2 ~~(7) § 15-313 (“Dealers: Prohibited acts—Advertising practices”);~~
- 3 ~~(8) § 15-314 (“Dealers: Prohibited acts—Violation of licensing laws”);~~
- 4 ~~(9) § 15-411 (“Vehicle salesmen: Prohibited acts”);~~
- 5 ~~(10) § 16-113(j) (“Violation of alcohol restriction”);~~
- 6 ~~(11) § 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);~~
- 7 ~~(12) [§ 16-303(h) (“Licenses suspended under certain provisions of Code”);~~
- 8 ~~(13) § 16-303(i) (“Licenses suspended under certain provisions of the traffic~~
 9 ~~laws or regulations of another state”);~~
- 10 ~~(15)] § 20-103 (“Driver to remain at scene—Accidents resulting only in~~
 11 ~~damage to attended vehicle or property”);~~
- 12 ~~[(16)] (13) § 20-104 (“Duty to give information and render aid”);~~
- 13 ~~[(17)] (14) § 20-105 (“Duty on striking unattended vehicle or other~~
 14 ~~property”);~~
- 15 ~~[(18)] (15) § 20-108 (“False reports prohibited”);~~
- 16 ~~[(19)] (16) § 21-206 (“Interference with traffic control devices or railroad~~
 17 ~~signs and signals”);~~
- 18 ~~[(20)] (17) As to a pedestrian in a marked crosswalk, § 21-502(a)~~
 19 ~~(“Pedestrians’ right of way in crosswalks: In general”), if the violation contributes to an~~
 20 ~~accident;~~
- 21 ~~[(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21-502(e)~~
 22 ~~(“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an~~
 23 ~~accident;~~
- 24 ~~[(22)] (19) Except as provided in subsections (f) and (g) of this section, §~~
 25 ~~21-902(b) (“Driving while impaired by alcohol”);~~
- 26 ~~[(23)] (20) Except as provided in subsections (f) and (g) of this section, §~~
 27 ~~21-902(e) (“Driving while impaired by drugs or drugs and alcohol”);~~
- 28 ~~[(24)] (21) § 21-902.1 (“Driving within 12 hours after arrest”);~~

1 ~~[(25)] (22)~~ Title 21, Subtitle 10A (“Towing or Removal of Vehicles from
2 Parking Lots”); or

3 ~~[(26)] (23)~~ § 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock
4 systems”).

5 (y) Any person who is convicted of a violation of § 16-101 of this article (“Drivers
6 must be licensed”) is subject to:

7 (1) ~~FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500;~~

8 (2) ~~For a [first] SECOND offense, a fine of not more than \$500 or
9 imprisonment for not more than 60 days or both; and~~

10 (3) ~~For a [second] THIRD or subsequent offense, a fine of not more than
11 \$500 or imprisonment for not more than 1 year or both.~~

12 ~~(GG) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303(H)
13 (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OF THIS ARTICLE
14 OR § 16-303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE
15 TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE IS
16 SUBJECT TO:~~

17 (1) ~~FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500; AND~~

18 (2) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE
19 THAN \$500 OR IMPRISONMENT OF NOT MORE THAN 60 DAYS OR BOTH.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime
21 Control and Prevention shall, in coordination with the Department of Public Safety and
22 Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public
23 health and treatment professionals, and local corrections authorities, conduct an analysis
24 to determine the gap between offender treatment needs and available treatment services
25 in the State, including a feasibility study of local jail and service provider capacity for
26 substance use and mental health disorder and related treatment, and shall report the
27 results of the analysis with recommendations to the General Assembly, in accordance with
28 § 2-1246 of the State Government Article, on or before December 31, 2016.

29 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
30 Assembly that the Governor provide funding annually in the budget bill for:

31 (1) the Department of Health and Mental Hygiene to expand the use of
32 drug treatment under § 8-507 of the Health – General Article, as enacted by Section 1 of
33 this Act;

1 (2) the Division of Correction to expand treatment and programming
2 within correctional institutions for substance abuse treatment, mental health treatment,
3 cognitive-behavioral programming, and other evidence-based interventions for offenders;
4 and

5 (3) the Division of Parole and Probation to expand treatment and
6 programming in the community to include day reporting centers, mental health treatment,
7 cognitive-behavioral programming, and other evidence-based interventions for offenders.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,
9 the Maryland Mediation and Conflict Resolution Office shall study and identify best
10 practices for criminal referrals to mediation, based on experiences across the State and
11 research, and submit a report of its findings and recommendations to the Justice
12 Reinvestment Coordinating Council, the Governor, and, in accordance with § 2-1246 of the
13 State Government Article, the General Assembly.

14 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,
15 the State Commission on Criminal Sentencing Policy shall study how more alternatives to
16 incarceration may be included in the sentencing guidelines and shall submit a report of the
17 findings and recommendations to the Justice Reinvestment Coordinating Council, the
18 Governor, and, in accordance with § 2-1246 of the State Government Article, the General
19 Assembly.

20 SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the initial
21 appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

- 22 (1) two members in ~~2017~~ 2018;
- 23 (2) two members in ~~2018~~ 2019;
- 24 (3) two members in ~~2019~~ 2020; and
- 25 (4) two members in ~~2020~~ 2021.

26 SECTION 7. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Local Government Justice Reinvestment Commission shall expire as
28 follows:

- 29 (1) six members in ~~2017~~ 2018;
- 30 (2) six members in ~~2018~~ 2019;
- 31 (3) six members in ~~2019~~ 2020; and
- 32 (4) six members in ~~2020~~ 2021.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime
2 Control and Prevention shall:

3 (1) study the restitution process in the State and make recommendations
4 concerning the restitution process, including:

5 (i) recommending a process and State unit for collecting data and
6 developing evidence-based practices for restitution collection; and

7 (ii) recommending methods for developing additional enforcement
8 and data collection technology infrastructure;

9 (2) determine which State unit should assume the duties currently
10 undertaken by the Division of Parole and Probation regarding collection of restitution;

11 (3) determine whether the Criminal Injuries Compensation Board and any
12 other victim services programs should be transferred to another entity, including
13 considering whether a transfer would:

14 (i) minimize fragmentation of functions that the State government
15 performs on behalf of victims of crime and delinquent acts; and

16 (ii) improve the coordination, efficiency, and effectiveness of State
17 assistance to victims of crime and delinquent acts;

18 (4) consider any other ways to improve the collection of restitution; and

19 (5) report to the Governor and, in accordance with § 2-1246 of the State
20 Government Article, the General Assembly by December 1, 2016, on its findings and
21 recommendations.

22 SECTION 9. AND BE IT FURTHER ENACTED, That unless the Governor
23 determines that transferring the collection of restitution from the Division of Parole and
24 Probation to another State unit will not improve the collection of restitution, the Governor
25 shall order the new State unit to assume the responsibility of collecting restitution by
26 issuing an executive order to reorganize State government under Article II, Section 24 of
27 the Maryland Constitution for the 2017 regular session of the General Assembly. The
28 Governor shall include a provision in the executive order providing that the transfer may
29 not be effective until 30 days after the Governor's Office of Crime Control and Prevention
30 notifies in writing the Governor, the President of the Senate, and the Speaker of the House
31 that the new State unit is able to assume the collection roles and responsibilities.

32 SECTION 10. AND BE IT FURTHER ENACTED, That local correctional facilities
33 shall, in coordination with the Department of Health and Mental Hygiene and local health
34 departments, conduct an analysis to determine the budgetary requirements of this Act and
35 shall report a plan for meeting the budgetary requirements to the General Assembly, in
36 accordance with § 2-1246 of the State Government Article, on or before June 30, 2017.

1 SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General
2 Assembly that local correctional facilities and local health departments provide funding for
3 treatment required for individuals diverted from incarceration for a violation of § 5–601 of
4 the Criminal Law Article as enacted by Section 1 of this Act.

5 SECTION 12. AND BE IT FURTHER ENACTED, That § 3–704 of the Correctional
6 Services Article, as enacted by Section 1 of this Act, shall be construed prospectively to
7 apply only to inmates that are sentenced on or after October 1, 2017.

8 SECTION 13. AND BE IT FURTHER ENACTED, That Section 1, Section 6, and
9 Section 7 of this Act shall take effect October 1, 2017.

10 SECTION ~~10~~ 14. AND BE IT FURTHER ENACTED, That, except as provided in
11 Section 13 of this Act, this Act shall take effect October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.