

HOUSE BILL 122

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8lr0671
CF SB 938

By: Delegates Anderson, Atterbeary, Branch, Brooks, Conaway, Cullison, Dumais, Fennell, Gibson, Glenn, Hayes, Haynes, C. Howard, Kramer, J. Lewis, Lierman, McCray, Moon, Mosby, Proctor, Queen, Rosenberg, Sanchez, Sydnor, Vallario, and A. Washington

Introduced and read first time: January 15, 2018

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 16, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Sentencing Guidelines – Previously Adjudicated**
3 **Delinquent**

4 FOR the purpose of ~~repealing~~ limiting the requirement that certain sentencing guidelines
5 adopted by the State Commission on Criminal Sentencing Policy set forth a range of
6 increased severity for defendants who have been previously adjudicated delinquent
7 to adjudication and commitment to a certain juvenile detention facility; making a
8 technical change; defining a certain term; and generally relating to criminal
9 sentencing.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 6–208
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2017 Supplement)

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

17 **Article – Criminal Procedure**

18 6–208.

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 (a) IN THIS SECTION, "HARDWARE SECURE" MEANS A FACILITY THAT
 2 RELIES PRIMARILY ON THE USE OF CONSTRUCTION AND HARDWARE, INCLUDING
 3 LOCKS, BARS, AND FENCES, TO RESTRICT FREEDOM.

4 (B) (1) The Commission shall adopt sentencing guidelines that the
 5 Commission may change.

6 (2) The sentencing guidelines shall include sentencing guidelines for
 7 ordinary sentences and sentencing guidelines for corrections options.

8 ~~(C)~~ (C) The sentencing guidelines for ordinary sentences shall call for
 9 sentences within the limits set by law and shall set forth:

10 (1) the range of sentences for crimes of a given degree of seriousness;

11 (2) a range of increased severity for defendants previously:

12 (I) convicted of [or adjudicated delinquent for] a [previous] crime;
 13 ~~and~~ OR

14 (II) ADJUDICATED DELINQUENT AND COMMITTED TO A
 15 HARDWARE SECURE JUVENILE DETENTION FACILITY; AND

16 (3) a list of aggravating and mitigating circumstances.

17 ~~(D)~~ (D) The sentencing guidelines for corrections options shall be designed to
 18 identify defendants qualified for corrections options programs.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.