

HOUSE BILL 1317

E2

71r0380

By: **Delegates Anderson, Cane, Glenn, Gutierrez, Harrison, Hucker, McIntosh, Ramirez, Simmons, and Vallario**

Introduced and read first time: February 27, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Mandatory Minimum Sentences – Burglary and Daytime Housebreaking –**
3 **Retroactive Effect**

4 FOR the purpose of allowing a person who is serving a mandatory minimum sentence
5 of confinement imposed under a certain statute before a certain date, where a
6 certain offense was a predicate offense for the imposition of the mandatory
7 minimum sentence, to apply for and receive a review of the mandatory
8 minimum sentence; authorizing a review panel to take a certain action, subject
9 to a certain limitation; requiring an application for review under this Act to be
10 filed on or before a certain date; providing for the termination of this Act; and
11 generally relating to review of mandatory minimum sentences.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 8–102
15 Annotated Code of Maryland
16 (2001 Volume and 2006 Supplement)

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

19 **Article – Criminal Procedure**

20 8–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsection (b) of this section, a person convicted of
2 a crime by a circuit court and sentenced to serve a sentence that exceeds 2 years in a
3 correctional facility is entitled to a single sentence review by a review panel.

4 (b) A person is not entitled:

5 (1) to a sentence review if the sentence was imposed by more than one
6 circuit court judge; or

7 (2) to a review of an order requiring a suspended part of a sentence to
8 be served if:

9 (i) the sentence originally was wholly or partly suspended;

10 (ii) the sentence was reviewed; and

11 (iii) the suspended sentence or suspended part of that sentence
12 later was required to be served.

13 (c) For purposes of this subtitle, a sentence that exceeds 2 years is a
14 sentence in which the total period of the sentence and any unserved time of a prior or
15 simultaneous sentence exceeds 2 years, including:

16 (1) a sentence imposed by a circuit court;

17 (2) a requirement by a circuit court that all or part of a suspended
18 sentence be served; and

19 (3) a prior or simultaneous sentence, suspended or not suspended,
20 that has been imposed by a court or other authority of the State or of another
21 jurisdiction.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
23 other law to the contrary, a person who is serving a mandatory minimum sentence of
24 confinement imposed under former Article 27, § 643B of the Code before October 1,
25 1994, where burglary or daytime housebreaking was a predicate offense for the
26 imposition of the mandatory minimum sentence, may apply for and receive one review
27 of the mandatory minimum sentence as provided in § 8–102 of the Criminal Procedure
28 Article. The review panel may strike the restriction against parole, but may not
29 reduce the length of the sentence. An application for review under this section shall
30 be filed on or before September 30, 2008.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007. It shall remain effective for a period of 1 year and, at the end of
3 September 30, 2008, with no further action required by the General Assembly, this Act
4 shall be abrogated and of no further force and effect.