

HOUSE BILL 1317

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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

Re-referred to: Judiciary, March 5, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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)

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

3 **Article – Criminal Procedure**

4 8–102.

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

8 (b) A person is not entitled:

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

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

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

14 (ii) the sentence was reviewed; and

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
27 other law to the contrary, a person who is serving a mandatory minimum sentence of
28 confinement imposed under former Article 27, § 643B of the Code before October 1,
29 1994, where burglary or daytime housebreaking was a predicate offense for the

1 imposition of the mandatory minimum sentence, may apply for and receive one review
2 of the mandatory minimum sentence as provided in § 8–102 of the Criminal Procedure
3 Article. The review panel may strike the restriction against parole, but may not
4 reduce the length of the sentence. An application for review under this section shall
5 be filed on or before September 30, 2008.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.