

## **CHAPTER 647**

**(House Bill 1317)**

AN ACT concerning

### **Mandatory Minimum Sentences – Burglary and Daytime Housebreaking – Retroactive Effect**

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

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

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

#### **Article – Criminal Procedure**

8–102.

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

(b) A person is not entitled:

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

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

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

(ii) the sentence was reviewed; and

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

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

(1) a sentence imposed by a circuit court;

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

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

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

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

**Approved by the Governor, May 17, 2007.**