

HOUSE BILL 1174

E2, E4

11r1500

By: **Delegates Mitchell, Vallario, and Conaway**

Introduced and read first time: February 16, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Revocation of Parole – Reimposition of Sentence**

3 FOR the purpose of altering a provision relating to the revocation of a parole order so
4 as to authorize the parole commissioner who conducted the hearing on the
5 revocation of an inmate's order of parole to require the inmate to serve any
6 unserved portion of the sentence originally imposed on the inmate; and
7 generally relating to the revocation of parole.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–401 and 7–403(a)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

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

15 **Article – Correctional Services**

16 7–401.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (1) (i) revoking the order of parole;

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

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

9 (2) continuing parole:

10 (i) without modification of its conditions; or

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

14 (d) (1) Subject to paragraph (2) of this subsection and further action by
15 the Commission, if the order of parole is revoked, the [inmate shall serve the
16 remainder of the sentence originally imposed unless the] commissioner hearing the
17 parole revocation, in the commissioner's discretion, [grants credit for time between
18 release on parole and revocation of parole] **MAY REQUIRE THE INMATE TO SERVE
19 ANY UNSERVED PORTION OF THE SENTENCE ORIGINALLY IMPOSED.**

20 (2) An inmate may not receive credit for time between release on
21 parole and revocation of parole if:

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

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

26 (e) Subject to subsection (d) of this section, if a sentence has commenced as
27 provided under § 9-202(c)(2) of this article and the inmate is serving that sentence
28 when the order of parole is revoked, [the remainder] **ANY REIMPOSED PORTION** of
29 the sentence originally imposed shall begin at the expiration of any sentences which
30 were begun under § 9-202(c)(2) of this article.

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

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

1 7-403.

2 (a) (1) If a parolee is convicted of a crime committed while on parole and
3 is sentenced to an additional term of imprisonment in any correctional facility in this
4 State, the court shall determine if the new sentence is to run concurrently or
5 consecutively, as required under Maryland Rule 4-351(a)(5).

6 (2) If the new sentence is to run consecutively:

7 (i) the new sentence shall begin as provided in § 9-202(c) of
8 this article; and

9 (ii) [the] ANY reimposition of the original sentence on parole
10 shall begin as provided in § 7-401 of this subtitle.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2011.