

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

Re-referred to: Ways and Means, March 7, 2011

Re-referred to: Judiciary, March 10, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Revocation of Parole – Application of Diminution**
3 **Credits and Reimposition of Sentence**

4 FOR the purpose of altering a provision relating to the effect of parole violation on
5 diminution credits so as to grant discretion to the parole commissioner hearing
6 the parole revocation to apply certain diminution credits toward the inmate's
7 term of confinement at a certain time; altering a provision relating to the
8 revocation of a parole order so as to authorize the parole commissioner who
9 conducted the hearing on the revocation of an inmate's order of parole to require
10 the inmate to serve any unserved portion of the sentence originally imposed on
11 the inmate; and generally relating to the revocation of parole.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section ~~3-711~~, 7-401, and 7-403(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2010 Supplement)

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

19 **Article – Correctional Services**

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 3-711.

2 If an inmate is convicted and sentenced to imprisonment for a crime committed
3 while on parole and the parole is revoked, diminution credits that were awarded
4 before the inmate's release on parole may [not], AT THE DISCRETION OF THE
5 PAROLE COMMISSIONER HEARING THE PAROLE REVOCATION, be applied toward
6 the inmate's term of confinement on return to the Division.

7 7-401.

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

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

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

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

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

19 (ii) setting a future hearing date for consideration for reparole;

20 and

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

23 (2) continuing parole:

24 (i) without modification of its conditions; or

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

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

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

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

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

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

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

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

15 7–403.

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

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

21 (i) the new sentence shall begin as provided in § 9–202(c) of
22 this article; and

23 (ii) **[the] ANY** reimposition of the original sentence on parole
24 shall begin as provided in § 7–401 of this subtitle.

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