

# Chapter 381

(House Bill 1174)

AN ACT concerning

## **Correctional Services – Revocation of Parole – ~~Application of Diminution Credits and~~ Reimposition of Sentence**

FOR the purpose of ~~altering a provision relating to the effect of parole violation on diminution credits so as to grant discretion to the parole commissioner hearing the parole revocation to apply certain diminution credits toward the inmate's term of confinement at a certain time;~~ altering a provision relating to the revocation of a parole order so as to authorize the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate; *requiring the Department of Public Safety and Correctional Services to submit a certain report; providing for the termination of this Act;* and generally relating to the revocation of parole.

BY repealing and reenacting, with amendments,

Article – Correctional Services

~~Section 3-711, 7-401, and 7-403(a)~~ *Section 7-401 and 7-403(a)*

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

### **Article – Correctional Services**

~~3-711.~~

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

7-401.

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

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

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

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

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

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

and

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

(2) continuing parole:

(i) without modification of its conditions; or

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

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

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

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

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

(e) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9-202(c)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, [the remainder] **ANY REIMPOSED PORTION** of

the sentence originally imposed shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this article.

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

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

7–403.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Public Safety and Correctional Services shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) the number of inmates whose sentences of imprisonment following a revocation of parole were reduced under the provisions of this Act, broken down by the type of crime that the inmate committed that led to the revocation of parole; and

(2) the recidivism rate of individuals released as a result of this Act from a term of imprisonment following a revocation of parole.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of 2 years and 9 months and, at the end of June 30, 2014, 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 10, 2011.**