

# HOUSE BILL 988

E2

9lr2563

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By: **Delegate McComas**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sentencing Guidelines – Review**

3 FOR the purpose of establishing that if a court does not prepare a Maryland sentencing  
4 guidelines worksheet in a case, the defendant may request a certain sentence review;  
5 and generally relating to sentencing guidelines.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 6–216  
9 Annotated Code of Maryland  
10 (2018 Replacement Volume)

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

13 **Article – Criminal Procedure**

14 6–216.

15 (a) (1) A circuit court shall consider:

16 (i) the sentencing guidelines for ordinary sentences in deciding on  
17 the proper sentence; and

18 (ii) the sentencing guidelines for corrections options in deciding  
19 whether to sentence a defendant to a corrections options program or to impose an ordinary  
20 sentence.

21 (2) In deciding whether to sentence a defendant to a corrections options  
22 program, the court primarily shall consider the public safety.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The sentencing guidelines may not:

2 (1) allow for a sentence exceeding the maximum sentence provided by law;

3 or

4 (2) be used in violation of any mandatory minimum sentence required by  
5 law.

6 (c) (1) If a court prepares a Maryland sentencing guidelines worksheet, the  
7 clerk of court shall deliver a copy of the Maryland sentencing guidelines worksheet to the  
8 unit that has been ordered by the court to retain custody of the defendant.

9 (2) The copy shall be delivered with the commitment order or as soon as  
10 practicable after issuance of the commitment order.

11 (3) The Parole Commission shall review a Maryland sentencing guidelines  
12 worksheet to ensure compliance with the requirements of Title 7 of the Correctional  
13 Services Article.

14 **(D) IF A COURT DOES NOT PREPARE A MARYLAND SENTENCING**  
15 **GUIDELINES WORKSHEET IN A CASE:**

16 **(1) THE DEFENDANT MAY REQUEST A SENTENCE REVIEW HEARING IN**  
17 **CONNECTION WITH WHICH THE JUDGE:**

18 **(I) MAY MODIFY THE SENTENCE; AND**

19 **(II) SHALL COMPLETE A MARYLAND SENTENCING GUIDELINES**  
20 **WORKSHEET; AND**

21 **(2) IF THE SENTENCE IMPOSED WAS 25% OR MORE ABOVE THE**  
22 **GUIDELINES RANGE, THE DEFENDANT MAY REQUEST A SENTENCE REVIEW BY A**  
23 **THREE-JUDGE PANEL, THAT MAY:**

24 **(I) REDUCE THE SENTENCE TO WITHIN THE GUIDELINES**  
25 **RANGE; OR**

26 **(II) KEEP THE SENTENCE THE SAME.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.