

JUSTICE REINVESTMENT OVERSIGHT BOARD

November 20, 2018

Technical Provisions	
Assessments	Provide that a person conducting a substance use disorder assessment be licensed OR certified (not AND)
Revocation Caps	<p>Technical changes to safety valve for inmates serving a mandatory sentence as a subsequent felony drug offender</p> <p>Provides that for violations or probation not subject to the revocation caps that the maximum the court can impose is the unserved portion of the original sentence, and not the length of the sentence that might originally have been imposed (i.e., a judge can not increase the original sentence on a violation).</p>
Sentencing Modifications	Require a hearing for those safety valve cases still pending or filed after Oct. 1, 2019
Expungement	<p>For cases transferred from adult court to the juvenile court, a petition for expungement shall be filed with the juvenile court, not adult court</p> <p>Requires the State's Attorney, and not the court, to notify the victim when a petition is filed</p>
Driving Offenses	Clarifying changes that a person "charged" with a violation must appear in court and on conviction is subject to a fine of not more than \$500
Substantive Changes	
Revocation Caps	<p>Add risk to defendant/releasee as a ground for not adhering to revocation caps</p> <p>Technical revocation caps do not apply to cases where the Parole Commission orders an MDH evaluation which may result in placement at an MDH facility</p>
Drug Sentencing	<p>Add a safety valve look back for volume dealers of less than 448 grams of crack sentenced pre-10/1/17</p> <p>Reduce penalty for controlled paraphernalia crimes</p>
Expungement	Eliminate right to expunge bigamy
Driving Offenses	Allows a court to issue a bench warrant if an individual charged with a nonincarcerable driving while suspended offense fails to appear in court for trial
Victim's Rights	<p>Clarify that a judgment of restitution and compliance with restitution is part of a sentence for purposes of determining eligibility for expungement; provide that a victim's representative or victim's counsel has the same rights as a victim regarding objecting to expungements and right to appellate review.</p> <p>Notification to victim of expungement proceedings and administrative release - Require the existing victim's notification pamphlet to include a form a victim can file with the local State's Attorney requesting notification of proceedings.</p>
Geriatric Parole	<p>(1) Add a geriatric parole provision to the general parole statute (Correctional Services Article, § 7-301), that provides for geriatric parole for persons 60 years or older, who have served at least 15 years of their sentence, except for sex offense crimes;</p> <p>(2) Add a section to the current geriatric parole statute, Criminal Law Article, § 14-101(f) to state that parole under this section may be granted regardless of the parole eligibility requirements in Correctional Services Article, §7-301 for additional concurrent or consecutive sentences; and</p> <p>(3) Add a geriatric parole provision for life sentences that removes the Governor from the approval process.</p>
Board Membership	Add additional members to Oversight Board - Two representatives of community advocacy organizations