

HOUSE BILL 577

E2
HB 883/19 – JUD & HGO

0lr2728

By: **Delegate Dumais**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Justice Reinvestment Act – Modifications**

3 FOR the purpose of providing that a certain presumption may be rebutted if a certain
4 commissioner or court finds and states on the record at a certain time that adhering
5 to certain limits would create a risk to a certain parolee, inmate, probationer, or
6 defendant; authorizing a certain commissioner or court to take certain actions on
7 finding that adhering to certain limits would create a risk to a certain parolee,
8 inmate, probationer, or defendant; requiring a certain designee who may conduct a
9 certain assessment to be certified or licensed, rather than certified and licensed;
10 requiring a court to hold a hearing on a certain application; authorizing a certain
11 person serving a certain term of confinement for an offense relating to volume
12 dealing in cocaine base imposed on or before a certain date to file a certain motion to
13 modify or reduce the sentence under certain circumstances; altering penalties for
14 obtaining, attempting to obtain, possessing, or distributing controlled paraphernalia;
15 altering a certain incorrect statutory reference; repealing a requirement that a
16 certain person file a certain petition in a certain court under certain circumstances;
17 altering a provision of law to require the State's Attorney, rather than the court, to
18 send a certain notice to a certain victim at the victim's last known address, rather
19 than the address listed in the court file; altering the membership of the advisory
20 board of the Justice Reinvestment Oversight Board; making conforming changes;
21 making clarifying changes; making a certain technical correction; and generally
22 relating to justice reinvestment.

23 BY repealing and reenacting, with amendments,
24 Article – Correctional Services
25 Section 7–401 and 7–504
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2019 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 5–601(e)(1), 5–609.1, and 5–620
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY adding to
Article – Criminal Law
Section 5–612.1
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–223, 6–224, and 10–110(a), (b), and (e)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–3202
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–3207(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–303(k)
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

Article – Correctional Services

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

1 Public Defender's office.

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

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

6 (1) (i) subject to subsection (d)(1) of this section, revoking the order of
7 parole;

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

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

11 (2) continuing parole:

12 (i) without modification of its conditions; or

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

15 (d) (1) Subject to paragraph (4) of this subsection, if an order of parole is
16 revoked due to a technical violation, as defined in § 6–101 of this article, the commissioner
17 hearing the parole revocation may require the individual to serve a period of imprisonment
18 of:

19 (i) for a first violation, not more than 15 days;

20 (ii) for a second violation, not more than 30 days; and

21 (iii) for a third violation, not more than 45 days.

22 (2) Subject to paragraph (3) of this subsection and further action by the
23 Commission, if the order of parole is revoked for a fourth or subsequent technical violation
24 or a violation that is not a technical violation, the commissioner hearing the parole
25 revocation, in the commissioner's discretion, may require the inmate to serve any unserved
26 portion of the sentence originally imposed.

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

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

31 (ii) the parole was revoked due to a finding that the inmate

committed a violent crime while on parole.

(4) (i) There is a rebuttable presumption that the limits on the period of imprisonment that may be imposed for a technical violation established in paragraph (1) of this subsection are applicable.

(ii) The presumption may be rebutted if a commissioner finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of imprisonment established under paragraph (1) of this subsection would create a risk to public safety, **THE PAROLEE**, a victim, or a witness:

1. the nature of the parole violation;

2. the facts and circumstances of the crime for which the parolee was convicted; and

3. the parolee's history.

(iii) On finding that adhering to the limits would create a risk to public safety, **THE PAROLEE**, a victim, or a witness under subparagraph (ii) of this paragraph, the commissioner may:

1. direct imposition of a longer period of imprisonment than provided in paragraph (1) of this subsection, but no more than the time remaining on the original sentence; or

2. commit the parolee to the Maryland Department of Health for treatment under § 8-507 of the Health – General Article.

(iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or Subtitle 4 of the Courts Article.

(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, 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.

7-504.

(a) (1) In this section the following words have the meanings indicated.

(2) “Technical violation” has the meaning stated in § 6–101 of this article.

(3) “Term of confinement” has the meaning stated in § 3–701 of this article.

(b) (1) Subject to paragraph (3) of this subsection, the commissioner presiding at an individual’s mandatory supervision revocation hearing may revoke diminution credits previously earned by the individual on the individual’s term of confinement in accordance with the following schedule:

(i) not more than 15 days for a first technical violation;

(ii) not more than 30 days for a second technical violation;

(iii) not more than 45 days for a third technical violation; and

(iv) up to all remaining days for a fourth or subsequent technical violation or a violation that is not a technical violation.

(2) Nothing in this section affects the prohibition against the application of diminution credits under § 7–502 of this subtitle to the term of confinement of an inmate convicted and sentenced to imprisonment for a crime committed while on mandatory supervision.

(3) (i) There is a rebuttable presumption that the limits on the revocation of diminution credits for a technical violation established in paragraph (1) of this subsection are applicable.

(ii) The presumption may be rebutted if a commissioner finds and states on the record, after consideration of the following factors, that adhering to the limits on the revocation of diminution credits established under paragraph (1) of this subsection would create a risk to public safety, **THE INMATE**, a victim, or a witness:

1. the nature of the mandatory supervision violation;

2. the facts and circumstances of the crime for which the inmate was convicted; and

3. the inmate’s history.

(iii) On finding that adhering to the limits would create a risk to public safety, **THE INMATE**, a victim, or a witness under subparagraph (ii) of this paragraph, the commissioner may:

1. direct that a greater number of diminution credits be revoked than provided in paragraph (1) of this subsection; or

2. commit the inmate to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

(iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or Title 12, Subtitle 4 of the Courts Article.

Article – Criminal Law

5–601.

(e) (1) (i) Before imposing a sentence under subsection (c) of this section, the court may order the Maryland Department of Health or a certified [and] **OR** licensed designee to conduct an assessment of the defendant for substance use disorder and determine whether the defendant is in need of and may benefit from drug treatment.

(ii) If an assessment for substance use disorder is requested by the defendant and the court denies the request, the court shall state on the record the basis for the denial.

5–609.1.

(a) Notwithstanding any other provision of law and subject to subsection (c) of this section, a person who is serving a term of confinement that includes a mandatory minimum sentence imposed on or before September 30, 2017, for a violation of §§ 5–602 through 5–606 of this subtitle may apply to the court to modify or reduce the mandatory minimum sentence as provided in Maryland Rule 4–345, regardless of whether the defendant filed a timely motion for reconsideration or a motion for reconsideration was denied by the court.

(b) The court may modify the sentence and depart from the mandatory minimum sentence unless the State shows that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant’s chances of successful rehabilitation:

(1) retention of the mandatory minimum sentence would not result in substantial injustice to the defendant; and

(2) the mandatory minimum sentence is necessary for the protection of the public.

(c) (1) Except as provided in paragraph (2) of this subsection, an application [for a hearing] under subsection (a) of this section shall be [submitted to] **FILED WITH** the court or review panel on or before September 30, 2018.

(2) The court may consider an application **FILED** after September 30, 2018, only for good cause shown.

(3) The court shall notify the State's Attorney of [a request for a hearing]
THE FILING OF AN APPLICATION.

(4) A person may not file more than one application [for a hearing] under subsection (a) of this section for a mandatory minimum sentence for a violation of §§ 5–602 through 5–606 of this subtitle.

(5) THE COURT SHALL HOLD A HEARING ON AN APPLICATION FILED UNDER SUBSECTION (A) OF THIS SECTION.

5–612.1.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF § 5–612 OF THIS SUBTITLE INVOLVING LESS THAN 448 GRAMS OF COCAINE BASE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345, REGARDLESS OF WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.

(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:

(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE PROTECTION OF THE PUBLIC.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FILED WITH THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2021.

(2) THE COURT MAY CONSIDER AN APPLICATION FILED AFTER SEPTEMBER 30, 2021, ONLY FOR GOOD CAUSE SHOWN.

(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF THE FILING OF AN APPLICATION.

(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A VIOLATION OF § 5-612 OF THIS SUBTITLE INVOLVING LESS THAN 448 GRAMS OF COCAINE BASE.

(5) THE COURT SHALL HOLD A HEARING ON AN APPLICATION FILED UNDER SUBSECTION (A) OF THIS SECTION.

5-620.

(a) Unless authorized under this title, a person may not:

(1) obtain or attempt to obtain controlled paraphernalia by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) counterfeiting a prescription or a written order;

(iii) concealing a material fact or the use of a false name or address;

(iv) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(v) making or issuing a false or counterfeit prescription or written order; or

(2) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.

(b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense controlled dangerous substances, including:

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

- (6) a stapler;
- (7) a glassine envelope;
- (8) a gelatin capsule;
- (9) procaine hydrochloride;
- (10) mannitol;
- (11) lactose;
- (12) quinine; and
- (13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(d) [(1) Except as provided in paragraph (2) of this subsection, a] **A** person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [4 years] **1 YEAR** or a fine not exceeding [\$25,000] **\$5,000** or both.

[(2) A person who violates this section involving the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.]

Article – Criminal Procedure

6–223.

(a) A circuit court or the District Court may end the period of probation at any time.

(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:

(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and

(2) to be present for the setting of a timely hearing date for that charge.

(c) Pending the hearing or determination of the charge, a circuit court or the

District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.

(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:

(1) revoke the probation granted or the suspension of sentence; and

(2) (i) subject to subsection (e) of this subsection, for a technical violation, impose a period of incarceration of:

1. not more than 15 days for a first technical violation;

2. not more than 30 days for a second technical violation; and

3. not more than 45 days for a third technical violation; and

(ii) for a fourth or subsequent technical violation or a violation that is not a technical violation, impose any [sentence that might have originally been] **UNSERVED PORTION OF THE SENTENCE ORIGINALLY** imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

(e) (1) There is a rebuttable presumption that the limits on the period of incarceration that may be imposed for a technical violation established under subsection (d)(2) of this section are applicable.

(2) The presumption may be rebutted if the court finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of incarceration established under subsection (d)(2) of this section would create a risk to public safety, **THE PROBATIONER OR DEFENDANT**, a victim, or a witness:

(i) the nature of the probation violation;

(ii) the facts and circumstances of the crime for which the probationer or defendant was convicted; and

(iii) the probationer's or defendant's history.

(3) On finding that adhering to the limits would create a risk to public safety, **THE PROBATIONER OR DEFENDANT**, a victim, or a witness under paragraph (2) of this subsection, the court may:

(i) direct imposition of a longer period of incarceration than provided under subsection (d)(2) of this section, but no more than the time remaining on the original sentence; or

(ii) commit the probationer or defendant to the Maryland

1 Department of Health for treatment under § 8–507 of the Health – General Article.

2 (4) A finding under paragraph (2) of this subsection or an action under
3 paragraph (3) of this subsection is subject to appeal under Title 12, Subtitle 3 or Subtitle 4
4 of the Courts Article.

5 6–224.

6 (a) This section applies to a defendant who is convicted of a crime for which the
7 court:

8 (1) does not impose a sentence;

9 (2) suspends the sentence generally;

10 (3) places the defendant on probation for a definite time; or

11 (4) passes another order and imposes other conditions of probation.

12 (b) If a defendant is brought before a circuit court to be sentenced on the original
13 charge or for violating a condition of probation, and the judge then presiding finds that the
14 defendant violated a condition of probation, the judge:

15 (1) subject to subsection (c) of this section, may sentence the defendant to:

16 (i) all or any part of the period of imprisonment imposed in the
17 original sentence; or

18 (ii) any sentence allowed by law, if a sentence was not imposed
19 before; and

20 (2) may suspend all or part of a sentence and place the defendant on
21 further probation on any conditions that the judge considers proper, and that do not exceed
22 the maximum set under § 6–222 of this subtitle.

23 (c) (1) Subject to paragraph (2) of this subsection, if the court finds that the
24 defendant violated a condition of probation that is a technical violation, the court may
25 impose a period of incarceration of:

26 (i) not more than 15 days for a first technical violation;

27 (ii) not more than 30 days for a second technical violation;

28 (iii) not more than 45 days for a third technical violation; and

29 (iv) [all or any part of the period of imprisonment imposed in the
30 original sentence] **ANY UNSERVED PORTION OF THE SENTENCE ORIGINALLY IMPOSED**

1 for a fourth or subsequent technical violation.

2 (2) (i) There is a rebuttable presumption that the limits on the period
3 of incarceration that may be imposed for a technical violation established in paragraph (1)
4 of this subsection are applicable.

5 (ii) The presumption may be rebutted if the court finds and states on
6 the record, after consideration of the following factors, that adhering to the limits on the
7 period of incarceration established under paragraph (1) of this subsection would create a
8 risk to public safety, **THE DEFENDANT**, a victim, or a witness:

9 1. the nature of the probation violation;

10 2. the facts and circumstances of the crime for which the
11 defendant was convicted; and

12 3. the defendant's history.

13 (iii) On finding that adhering to the limits would create a risk to
14 public safety, **THE DEFENDANT**, a victim, or a witness under subparagraph (ii) of this
15 paragraph, the court may:

16 1. direct imposition of a longer period of incarceration than
17 provided in paragraph (1) of this subsection, but no more than the time remaining on the
18 original sentence; or

19 2. commit the defendant to the Maryland Department of
20 Health for treatment under § 8-507 of the Health – General Article.

21 (iv) A finding under subparagraph (ii) of this paragraph or an action
22 under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or
23 Subtitle 4 of the Courts Article.

24 (d) (1) The District Court judge who originally imposed conditions of probation
25 or suspension of sentence shall hear any charge of violation of the conditions of probation
26 or suspension of sentence.

27 (2) Except as provided in paragraph (3) of this subsection, the judge shall
28 sentence the defendant if probation is revoked or suspension stricken.

29 (3) If the judge has been removed from office, has died or resigned, or is
30 otherwise incapacitated, any other judge of the District Court may act in the matter.

31 10-110.

32 (a) A person may file a petition listing relevant facts for expungement of a police
33 record, court record, or other record maintained by the State or a political subdivision of

1 the State if the person is convicted of:

2 (1) a misdemeanor that is a violation of:

3 (i) § 6–320 of the Alcoholic Beverages Article;

4 (ii) an offense listed in § 17–613(a) of the Business Occupations and
5 Professions Article;

6 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
7 the Business Regulation Article;

8 (iv) § 3–1508 or § 10–402 of the Courts Article;

9 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
10 Article;

11 (vi) § 5–211 of this article;

12 (vii) § 3–203 or § 3–808 of the Criminal Law Article;

13 (viii) § 5–601 not involving the use or possession of marijuana, §
14 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;

15 (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or
16 § 6–503 of the Criminal Law Article;

17 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
18 Criminal Law Article;

19 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
20 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;

21 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;

22 (xiii) § 10–110, § 10–201, § 10–402, **OR** § 10–404[, or § 10–502] of the
23 Criminal Law Article;

24 (xiv) § 11–303, § 11–306, § 11–307 of the Criminal Law Article;

25 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
26 12–204, § 12–205, or § 12–302 of the Criminal Law Article;

27 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;

28 (xvii) § 4–509 of the Family Law Article;

(xviii) § 18–215 of the Health – General Article;

(xix) § 4–411 or § 4–2005 of the Housing and Community Development Article;

(xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, § 27–407.1, or § 27–407.2 of the Insurance Article;

(xxi) § 8–725.4, § 8–725.5, § 8–725.6, § 8–725.7, § 8–726, § 8–726.1, § 8–727.1, or § 8–738.2 of the Natural Resources Article or any prohibited act related to speed limits for personal watercraft;

(xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public Safety Article;

(xxiii) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;

(xxiv) § 9–124 of the State Government Article;

(xxv) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article; or

(xxvi) the common law offenses of affray, rioting, criminal contempt, battery, or hindering;

(2) a felony that is a violation of:

(i) § 7–104 of the Criminal Law Article;

(ii) the prohibition against possession with intent to distribute a controlled dangerous substance under § 5–602(2) of the Criminal Law Article; [or]

(iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

(IV) § 10–502 OF THE CRIMINAL LAW ARTICLE; OR

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition for expungement in the court in which the proceeding began.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, if] **IF** the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

[(ii) If the proceeding began in one court and was transferred to the

juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.]

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(e) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) The [court] **STATE'S ATTORNEY** shall send written notice of the expungement request to each listed victim in the case in which the petitioner is seeking expungement at the **VICTIM'S LAST KNOWN** address [listed in the court file], advising the victim of the right to offer additional information relevant to the expungement petition to the court.

(3) Unless the State's Attorney or a victim files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

Article – State Government

9–3202.

There is a Justice Reinvestment Oversight Board in the Governor's Office of Crime Control and Prevention.

9–3207.

(e) (1) The Board shall establish an advisory board for the purpose of including stakeholders in the criminal justice system in the analysis of the implementation of justice reinvestment initiatives.

(2) The Executive Director of the Governor's Office of Crime Control and Prevention shall appoint members of the advisory board, subject to the approval of the chair of the Board.

(3) Members of the advisory board shall include:

(i) a representative of the exclusive representative of the employees of the Division of Parole and Probation;

(ii) a representative of the National Association for the Advancement of Colored People;

(iii) a representative of CASA de Maryland;

(iv) a representative of the American Civil Liberties Union;

(v) the chair of the Criminal Law and Practice Section of the Maryland State Bar Association or the chair's designee;

(vi) a representative of victims of domestic violence;

(vii) a representative of victims of sexual assault;

(viii) a representative with clinical experience and expertise in behavioral health and criminal justice;

(ix) a representative of the Maryland Retailers Association;

(x) a representative of an organization whose mission is to develop and advocate for policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-income workers and job seekers;

(xi) a representative of an organization whose mission is to advocate for ex-offenders; [and]

(xii) a representative of the Maryland Chamber of Commerce;

(XIII) A REPRESENTATIVE OF A COMMUNITY ADVOCACY ORGANIZATION APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(XIV) A REPRESENTATIVE OF A COMMUNITY ADVOCACY ORGANIZATION APPOINTED BY THE SPEAKER OF THE HOUSE.

Article – Transportation

16–303.

(k) (1) Except as provided in paragraph (2) of this subsection, a person convicted of a violation of this section is subject to:

(i) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(ii) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

(2) **(I)** A person [convicted of] **CHARGED WITH** a violation of subsection

1 (h) or (i) of this section:

2 [(i) Is subject to a fine not exceeding \$500;

3 (ii)] 1. Must appear in court; and

4 [(iii)] 2. May not prepay the fine.

5 (II) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H)
6 OR (I) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.