

(2) (I) IN THE MANNER PROVIDED IN THIS SECTION, AND SUBJECT TO ITEM (II) OF THIS PARAGRAPH, THE PANEL MAY ORDER A DIFFERENT SENTENCE, INCLUDING A DECREASE, IN A MANDATORY MINIMUM SENTENCE OTHERWISE REQUIRED BY LAW.

(II) A PANEL MAY NOT ORDER A DECREASE IN A MANDATORY MINIMUM SENTENCE UNLESS THE PANEL'S DECISION IS UNANIMOUS.

(c) Without holding a hearing, the panel may decide that the sentence under review should remain unchanged.

(d) The panel may not increase a sentence for imprisonment for life, imprisonment for life without the possibility of parole, or a term of years to the sentence of death.

(e) The decision of the panel in each review shall be rendered by a majority of the members of the panel and shall be rendered within thirty days from the filing date of the application for review.

(f) If the panel orders any different sentence, the panel shall resentence and notify the convicted person in accordance with the order of the panel.

(g) Time served on any sentence under review shall be deemed to have been served on the sentence substituted.

Article 41 - Governor - Executive and Administrative Departments

TITLE 21. STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

21-101.

IN THIS TITLE, "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL SENTENCING POLICY.

21-102.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

(1) SENTENCING SHOULD BE FAIR AND PROPORTIONAL AND THAT SENTENCING POLICIES SHOULD REDUCE UNWARRANTED DISPARITY, INCLUDING ANY RACIAL DISPARITY, IN SENTENCES FOR OFFENDERS WHO HAVE COMMITTED SIMILAR OFFENSES AND HAVE SIMILAR CRIMINAL HISTORIES;

(2) SENTENCING POLICIES SHOULD AID CITIZEN UNDERSTANDING OF THE TIME THAT AN OFFENDER WILL ACTUALLY BE INCARCERATED, IF ANY;

(3) SENTENCING GUIDELINES ARE VOLUNTARY AND THAT IT IS VOLUNTARY FOR THE COURT TO SENTENCE WITHIN THE GUIDELINES.

~~(3)~~ (4) PRISON CAPACITY AND PRISON USAGE SHOULD GIVE PRIORITY TO THE INCARCERATION OF VIOLENT AND CAREER OFFENDERS;