

CHAPTER 130

(House Bill 192)

AN ACT to repeal and re-enact, with amendments, Sections 132 and 134 of Article 26 of the Annotated Code of Maryland (1966 Replacement Volume), title "Courts," subtitle "Review of Criminal Sentences," to prohibit a sentencing judge from sitting on the panel reviewing a criminal sentence and providing that the panel shall render its decision within thirty days from the filing of the application for review.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 132 and 134 of Article 26 of the Annotated Code of Maryland (1966 Replacement Volume), title "Courts," subtitle "Review of Criminal Sentences," be and they are hereby repealed and re-enacted with amendments to read as follows:

132.

Unless no different sentence could have been imposed or unless the sentence was imposed by more than one trial judge, every person convicted of a crime after July 1, 1966, by any trial court of this State and sentenced to serve, with or without suspension, a total of more than two (2) years imprisonment in any penal or correctional institution in this State, or sentenced to death, shall be entitled to have the sentence reviewed by a panel of three (3) or more trial judges of the judicial circuit in which the sentencing court is located; provided, however, that no person shall have the right to have any sentence reviewed more than once pursuant to this section. **[Whether or not he is a trial judge of the judicial circuit in which the sentencing court is located,]** *Notwithstanding any rule of the Court of Appeals to the contrary,* the judge who sentenced the convicted person shall *not* be one of the members of the panel **[,** whenever he is determined to be available by the chief judge of the judicial circuit in which the sentencing court is located, unless this requirement is eliminated or amended by an appropriate rule of the Court of Appeals**]** , BUT IF HE SO DESIRES HE MAY SIT WITH THE PANEL IN AN ADVISORY CAPACITY ONLY.

134.

The panel shall have the right to require the Department of Parole and Probation to investigate, report, and make recommendations with regard to any such application for review. The panel shall consider each application for review and shall have the power, with or without holding a hearing, to order a different sentence to be imposed or served, including, by way of illustration and not by way of limitation, an increased or decreased sentence, or a suspended sentence to be served in whole or in part, or a sentence to be suspended with or without probation, upon such terms and conditions as the panel may deem just and which could lawfully have been imposed by the sentencing court at the time of the imposition of the sentence under review, or the panel may decide that the sentence under review should stand unchanged; except that the panel, without holding a hearing, shall not increase any sentence, or order any suspended sentence or any suspended part of a sentence to be served, or order the reduction of a death sentence to a sentence for life or term of