

**Article - Correctional Services**

4-306.

(a) After transfer of an inmate to the Institution for treatment as an eligible person but before the inmate's sentence expires, on review of the inmate, the Board of Review may take any of the actions specified in subsection (b) of this section.

(b) (1) If an inmate submits a written request for a transfer to the Division of Correction, the Director shall notify the Commissioner and send the Commissioner a copy of any evaluation team's report that has been completed.

(2) If the Board of Review concludes that an inmate is no longer an eligible person but should remain confined in the Division of Correction subject to the authority of the Maryland Parole Commission until release on expiration of sentence or mandatory supervision, the Director shall notify the Commissioner and send the Commissioner a copy of the evaluation team's report.

(3) Within 90 days after notice is provided under paragraph (1) or (2) of this subsection, the inmate shall be delivered to the appropriate correctional facility that the Commissioner designates.

(4) A transfer under this subsection does not affect any right to parole consideration that the inmate may have at the time of transfer.

(c) (1) In this subsection, "major violation" includes:

(i) escape from parole, work release, or leave;

(ii) failure to return from parole, work release, or leave within 1 hour of the time due, unless the failure to return was due to causes beyond the control of the eligible person;

(iii) commission of a new crime, other than a minor traffic violation, while on parole, work release, or leave;

(iv) commission of a Category I violation of the Department's disciplinary rules; and

(v) use of a controlled dangerous substance that the eligible person is not entitled to use under the laws of the State.

(2) Except as provided in paragraph (3) of this subsection, if an [eligible person] INMATE IN THE ELIGIBLE PERSON PROGRAM OR THE PATUXENT YOUTH PROGRAM commits a major violation while on parole, work release, or leave, [the eligible person shall be confined to the Institution and shall be ineligible for parole, work release, or leave for at least 6 months] THE BOARD OF REVIEW MAY IMPOSE APPROPRIATE SANCTIONS CONSISTENT WITH THE BEST INTERESTS OF PUBLIC SAFETY.

(3) If the Board of Review or the Secretary determines that a major violation was severe enough to warrant removing an eligible person from the