

~~BY repealing and reenacting, without amendments,~~

~~Article 31B — Patuxent Institution~~

~~Section 11A~~

~~Annotated Code of Maryland~~

~~(1990 Replacement Volume and 1993 Supplement)~~

~~(As enacted by Chapters 6 and 7 of the Acts of the General Assembly of 1989)~~

BY repealing

Article 31B – Patuxent Institution

Section 16

Annotated Code of Maryland

(1990 Replacement Volume and 1993 Supplement)

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

Article 31B – Patuxent Institution

1.

(a) In this article, the following words have the meanings indicated unless the context clearly requires otherwise.

(b) “Board of review” means the institutional board of review, created by § 6.

(c) “Commissioner” means the Commissioner of Correction.

(d) “Department” means the Department of Public Safety and Correctional Services.

(e) “Director” means the director of Patuxent Institution.

(f) (1) “Eligible person” means a person who (i) has been convicted of a crime and is serving a sentence of imprisonment with at least three years remaining on it, (ii) has an intellectual [deficiency] IMPAIRMENT or emotional unbalance, (iii) is likely to respond favorably to the programs and services provided at Patuxent Institution, (iv) can [be better rehabilitated] BETTER RESPOND TO REMEDIATION through those programs and services than by other incarceration, and (v) meets the eligibility criteria established by the Secretary under § 8 of this article.

(2) “Eligible person” does not include a person who (i) is serving 2 or more sentences of imprisonment for life under the provisions of Article 27, § 412 of the Code, (ii) is serving 1 or more sentences of imprisonment for life when a court or jury has found, beyond a reasonable doubt, that one or more aggravating circumstances existed under the provisions of Article 27, § 413 of the Code, or (iii) has been convicted of murder in the first degree, rape in the first degree, or a sexual offense in the first degree, unless the sentencing judge, at the time of sentencing or in the exercise of the judge’s revisory power, under the Maryland Rules, recommends that the person be referred to the Institution for evaluation.