

~~(2) Be used in violation of any mandatory minimum sentence prescribed by law.]~~

~~(A) (1) IN A CASE IN A CIRCUIT COURT INVOLVING A CRIME SUBJECT TO THE SENTENCING GUIDELINES ESTABLISHED UNDER ARTICLE 41, TITLE 21 OF THE CODE, THE COURT SHALL:~~

~~(H) HAVE PRESENTED TO IT THE APPROPRIATE SENTENCING GUIDELINES WORKSHEET; AND~~

~~(H) REVIEW AND CONSIDER THE SUITABILITY OF THE APPLICABLE SENTENCING GUIDELINES.~~

~~(2) IT IS VOLUNTARY FOR THE COURT TO SENTENCE WITHIN THE GUIDELINES.~~

~~(2) (3) THE COURT SHALL MAKE THE COMPLETED SENTENCING GUIDELINES WORKSHEET PART OF THE RECORD OF THE CASE.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A CASE IN A CIRCUIT COURT INVOLVING A CRIME SUBJECT TO THE SENTENCING GUIDELINES IN WHICH THE COURT IMPOSES A SENTENCE EITHER GREATER OR LESSER THAN THAT INDICATED IN THE GUIDELINES, THE COURT SHALL FILE A WRITTEN RECORD OF REASONS FOR THE DEPARTURE, USING THE FORM PROVIDED WITH THE SENTENCING GUIDELINES WORKSHEET.~~

~~(2) A SENTENCE TO A CORRECTIONS OPTIONS PROGRAM THAT FALLS WITHIN THE CORRECTIONS OPTIONS ZONE SHOWN ON A MATRIX SHALL CONSTITUTE A SENTENCE IN COMPLIANCE WITH THE GUIDELINES.~~

~~(C) FOLLOWING ENTRY OF A FINAL ORDER OF CONVICTION AND SENTENCE IN A CASE SUBJECT TO THE SENTENCING GUIDELINES, THE CLERK OF THE CIRCUIT COURT IN WHICH THE CASE WAS TRIED SHALL SEND A COPY OF THE ORDERS, THE ORIGINAL OF THE SENTENCING GUIDELINES WORKSHEET, AND A COPY OF ANY DEPARTURE EXPLANATION TO THE STATE COMMISSION ON CRIMINAL SENTENCING POLICY AS SOON AS POSSIBLE AND NO LATER THAN 30 DAYS AFTER SENTENCING.~~

~~[(e)] (D) (1) If a court prepares a Maryland sentencing guidelines worksheet, the clerk of the court shall deliver to the agency that has been ordered by the court to retain custody of the defendant a copy of the Maryland sentencing guidelines worksheet with the commitment order or as soon as practicable after issuance of the commitment order.~~

~~(2) The Parole Commission shall review a Maryland sentencing guidelines worksheet for purposes of complying with the requirements of Article 41, Title 4, Subtitle 5 of the Code.~~

~~(E) THE FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE IMPOSED.~~