

(II) THE STATE'S ATTORNEY SHALL BE A PARTY TO THE PROCEEDING.

(3) AFTER A HEARING, THE COURT MAY EITHER GRANT OR DENY THE RELIEF REQUESTED IN THE PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31B, § 11(b)(2) through (6) and (c) through (e).

In subsections (c)(1)(iii) and (2)(i), and (f)(1) and (2)(i) of this section, the references to "individual" and "individual's", respectively, are substituted for the former references to "person" and "person's", respectively, because only a human being, and not the other entities included in the defined term "person", can be paroled. See § 1-101 of this article for the definition of "person".

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (d)(2) of this section that the Board of Review establish regulations governing the manner in which a victim shall present oral testimony at a parole hearing is inconsistent with § 4-208 of this title, which requires the Secretary to adopt regulations to carry out this title, including regulations that govern parole from the Patuxent Institution. The General Assembly may wish to clarify whether the Secretary or the Board of Review has responsibility for adopting regulations governing the manner in which a victim shall present oral testimony at a parole hearing.

In subsection (f)(2) of this section, the reference to the "Director" is added to state expressly that which was only implied in the former law, *i.e.*, the Director is responsible for serving notice of the petition.

Defined terms: "Board of Review" § 4-101

"Director" § 4-101

"Eligible person" § 4-101

"Inmate" § 1-101

"Institution" § 4-101

"Secretary" § 1-101

"Victim" § 4-101

4-306. TRANSFERS BY BOARD OF REVIEW.

(A) IN GENERAL.

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) OPTIONAL RETURN TO DIVISION OF CORRECTION.