

(C) ACTION AUTHORIZED TO BE TAKEN BY COMMISSIONER

IF THE COMMISSIONER FINDS FROM THE EVIDENCE THAT THE PAROLEE HAS VIOLATED A CONDITION OF PAROLE, THE COMMISSIONER MAY TAKE ANY ACTION THAT THE COMMISSIONER CONSIDERS APPROPRIATE, INCLUDING:

(1) (I) REVOKING THE ORDER OF PAROLE;

(II) SETTING A FUTURE HEARING DATE FOR CONSIDERATION FOR REPAROLE; AND

(III) REMANDING THE INDIVIDUAL TO THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY FROM WHICH THE INDIVIDUAL WAS PAROLED; OR

(2) CONTINUING PAROLE:

(I) WITHOUT MODIFICATION OF ITS CONDITIONS; OR

(II) WITH MODIFICATION OF ITS CONDITIONS, INCLUDING A REQUIREMENT THAT THE PAROLEE SPEND ALL OR PART OF THE REMAINING PAROLE PERIOD IN A HOME DETENTION PROGRAM.

(D) PORTION OF SENTENCE TO BE SERVED.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND FURTHER ACTION BY THE COMMISSION, IF THE ORDER OF PAROLE IS REVOKED, THE INMATE SHALL SERVE THE REMAINDER OF THE SENTENCE ORIGINALLY IMPOSED UNLESS THE COMMISSIONER HEARING THE PAROLE REVOCATION, IN THE COMMISSIONER'S DISCRETION, GRANTS CREDIT FOR TIME BETWEEN RELEASE ON PAROLE AND REVOCATION OF PAROLE.

(2) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN RELEASE ON PAROLE AND REVOCATION OF PAROLE IF:

(I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLENT CRIME WHEN PAROLE WAS REVOKED; AND

(II) THE PAROLE WAS REVOKED DUE TO A FINDING THAT THE INMATE COMMITTED A VIOLENT CRIME WHILE ON PAROLE.

(E) JUDICIAL REVIEW.

(1) THE INMATE MAY SEEK JUDICIAL REVIEW IN THE CIRCUIT COURT WITHIN 30 DAYS AFTER RECEIVING THE WRITTEN DECISION OF THE COMMISSION.

(2) THE COURT SHALL HEAR THE ACTION ON THE RECORD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-511(a) through (e) and, as it related to remand of an individual after a parole violation, the third sentence of § 4-501(5).

The Correctional Services Article Review Committee notes, for