

(C) SENTENCE EXCEEDING 2 YEARS.

FOR PURPOSES OF THIS TITLE, A SENTENCE THAT EXCEEDS 2 YEARS IS A SENTENCE IN WHICH THE TOTAL PERIOD OF THE SENTENCE AND ANY UNSERVED TIME OF A PRIOR OR SIMULTANEOUS SENTENCE EXCEEDS 2 YEARS, INCLUDING:

- (1) A SENTENCE IMPOSED BY A CIRCUIT COURT;
- (2) A REQUIREMENT BY A CIRCUIT COURT THAT ALL OR PART OF A SUSPENDED SENTENCE BE SERVED; AND
- (3) A PRIOR OR SIMULTANEOUS SENTENCE, SUSPENDED OR NOT SUSPENDED, THAT HAS BEEN IMPOSED BY A COURT OR OTHER AUTHORITY OF THE STATE OR OF ANOTHER JURISDICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645JB and the second sentence and, as it related to right to sentence review, the first sentence of § 645JA(a).

In subsection (a) of this section, the reference to a "circuit court" is substituted for the former reference to "any trial court of this State" for brevity.

Also in subsection (a) of this section, the defined term "correctional facility" is substituted for the former reference to "any penal or correctional institution in this State" to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former phrase "with or without suspension" is deleted as superfluous.

Defined terms: "Correctional facility" § 1-101

"Person" § 1-101

8-103. RIGHT TO COUNSEL.

(A) IN GENERAL.

A PERSON ENTITLED TO FILE AN APPLICATION FOR A SENTENCE REVIEW UNDER THIS TITLE HAS THE RIGHT TO BE REPRESENTED BY COUNSEL:

- (1) TO DETERMINE WHETHER TO SEEK A SENTENCE REVIEW; AND
- (2) TO FILE AN APPLICATION FOR A SENTENCE REVIEW.

(B) OBTAINING COUNSEL.

THE COUNSEL REPRESENTING A PERSON FOR A SENTENCE REVIEW MAY BE:

- (1) RETAINED BY A PERSON WHO IS ENTITLED TO FILE AN APPLICATION FOR REVIEW UNDER THIS TITLE;
- (2) APPOINTED BY THE SENTENCING JUDGE; OR
- (3) PROVIDED UNDER ARTICLE 27A OF THE CODE.