

(B) ROLE OF SENTENCING JUDGE.

NOTWITHSTANDING ANY MARYLAND RULE, THE SENTENCING JUDGE MAY NOT BE A MEMBER OF THE REVIEW PANEL, BUT ON REQUEST OF THE SENTENCING JUDGE, THE SENTENCING JUDGE MAY SIT WITH THE REVIEW PANEL ONLY IN AN ADVISORY CAPACITY.

(C) POWERS AND DUTIES:

(1) A REVIEW PANEL SHALL CONSIDER EACH APPLICATION FOR REVIEW OF A SENTENCE.

(2) A REVIEW PANEL MAY REQUIRE THE DIVISION OF PAROLE AND PROBATION TO MAKE INVESTIGATIONS, REPORTS, AND RECOMMENDATIONS.

(3) A REVIEW PANEL:

(I) WITH OR WITHOUT A HEARING, MAY DECIDE THAT THE SENTENCE UNDER REVIEW SHOULD REMAIN UNCHANGED; OR

(II) AFTER A HEARING, MAY ORDER A DIFFERENT SENTENCE TO BE IMPOSED OR SERVED, INCLUDING:

1. AN INCREASED SENTENCE;
2. SUBJECT TO § 8-107(C) OF THIS TITLE, A DECREASED SENTENCE;
3. A SUSPENDED SENTENCE TO BE SERVED WHOLLY OR PARTLY; OR
4. A SENTENCE TO BE SUSPENDED WITH OR WITHOUT PROBATION.

(4) IN DECIDING TO ORDER A DIFFERENT SENTENCE, THE REVIEW PANEL MAY IMPOSE CONDITIONS THAT THE REVIEW PANEL CONSIDERS JUST AND THAT COULD HAVE BEEN IMPOSED LAWFULLY BY THE SENTENCING COURT WHEN THE SENTENCE WAS IMPOSED.

(D) NOTIFICATION.

IF THE REVIEW PANEL ORDERS A DIFFERENT SENTENCE, THE REVIEW PANEL SHALL RESENTENCE AND NOTIFY THE DEFENDANT IN ACCORDANCE WITH THE ORDER OF THE PANEL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645JC(a), (b)(1) and (2)(i), (c), and (f) and the third sentence of former § 645JA(a) and the first sentence, as it related to membership of the review panel.

In subsection (b) of this section, the former phrase "to the contrary" is deleted as surplusage. Similarly, the former reference to "the convicted person" is deleted as unnecessary in light of the reference to the defined term "sentencing judge".