

In subsection (c)(1) of this section, the reference to a review "of a sentence" is added for clarity.

In subsection (c)(2) of this section, the former reference to recommendations "with regard to any such application for review" is deleted as implied in the reference to "recommendations".

In subsection (c)(3)(ii) of this section, the former reference to including "by way of illustration and not by way of limitation" is deleted in light of Art. 1, § 30.

In subsection (c)(4) of this section, the former reference to "terms" is deleted as unnecessary in light of the reference to "conditions".

In subsection (d) of this section, the reference to a "defendant" is substituted for the former reference to a "convicted person" to conform to the terminology used throughout this article.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that the procedure for a sentencing judge to sit with the review panel in an advisory capacity set forth in subsection (b) of this section differs from the procedure set forth in Md. Rule 4-344(d). Subsection (b) of this section states that a sentencing judge may sit with the review panel at the request of the sentencing judge. Md. Rule 4-344(d) states that a sentencing judge may do so "if requested by a majority of the Review Panel".

Defined terms: "Review panel" § 8-101

"Sentencing court" § 8-101

"Sentencing judge" § 8-101

8-106. RIGHTS TO NOTICE OF AND APPEARANCE AT HEARING.

(A) NOTICE.

A REVIEW PANEL MAY INCREASE, MODIFY, OR REDUCE A SENTENCE ONLY AFTER NOTICE TO EACH PARTY AND NOTICE TO ANY VICTIM OR VICTIM'S REPRESENTATIVE AS PROVIDED UNDER § 11-104 OR § 11-503 OF THIS ARTICLE.

(B) RIGHT TO BE HEARD.

BEFORE CHANGING A SENTENCE, A REVIEW PANEL SHALL ALLOW:

(1) EACH PARTY TO BE HEARD AT THE HEARING; AND

(2) THE VICTIM OR VICTIM'S REPRESENTATIVE TO ATTEND THE HEARING, AS PROVIDED BY § 11-102 OF THIS ARTICLE, AND TO ADDRESS THE REVIEW PANEL, AS PROVIDED BY § 11-403 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645JE(b) and (c).

In subsection (a) of this section, the reference to "victim's representative" is