

645JC.

(A) The panel shall have the right to require the [Department] DIVISION of Parole and Probation to investigate, report, and make recommendations with regard to any such application for review.

(B) The panel shall consider each application for review and shall have the power, with [or without holding] a hearing, to order a different sentence to be imposed or served, including, by way of illustration and not by way of limitation, an increased or decreased sentence, or a suspended sentence to be served in whole or in part, or a sentence to be suspended with or without probation, upon such terms and conditions as the panel may deem just and which could lawfully have been imposed by the sentencing court at the time of the imposition of the sentence under review, or the panel may decide that the sentence under review should [stand] REMAIN unchanged [; except that the panel, without holding a hearing, shall not increase any sentence, or order any suspended sentence or any suspended part of a sentence to be served;].

(C) WITHOUT HOLDING A HEARING, THE PANEL MAY DECIDE THAT THE SENTENCE UNDER REVIEW SHOULD REMAIN UNCHANGED.

(D) [and except further that no] THE PANEL MAY NOT INCREASE A sentence for IMPRISONMENT FOR life, IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, or A term of years [may be increased] to THE SENTENCE OF death [by the panel with or without holding a hearing].

(E) The decision of the panel in each review shall be rendered by a majority of the members of the panel and shall be rendered within thirty days from the filing date of the application for review.

(F) If the panel orders any different sentence, the panel shall resentence and notify the convicted person in accordance with the order of the panel.

(G) Time served on any sentence under review shall be deemed to have been served on the sentence substituted.

645JE.

(A) Any person who has the right to file an application for review under this subtitle shall have the right to be represented by counsel retained by him, [or] appointed by the sentencing judge, OR PROVIDED UNDER THE PROVISIONS OF ARTICLE 27A OF THE CODE in connection with determining whether to seek such review and in connection with filing application for such review. [If the panel holds a hearing in connection with any review of a sentence pursuant to this subtitle, the defendant shall be entitled to appear in person at the hearing and to be represented by counsel retained by him, or previously appointed by the sentencing judge, or appointed by one or more members of the panel. The State's Attorney or assistant State's Attorney who prosecuted the case shall also be entitled to appear at the hearing.]

(B) THE PANEL MAY INCREASE, MODIFY, OR REDUCE A SENTENCE ONLY AFTER NOTICE TO THE PARTIES AND NOTICE TO ANY VICTIM AS PROVIDED BY § 770 OR § 784 OF THIS ARTICLE.