

1 7-401.

Limited Incarceration for Parole “Technical Violations” with Public Safety / Victim Exception

2 (a) If a parolee is alleged to have violated a condition of parole, one commissioner
3 shall hear the case on revocation of the parole at the time and place that the Commission
4 designates.

5 (b) (1) Each individual charged with a parole violation is entitled to be
6 represented by counsel of the individual’s choice or, if eligible, counsel provided by the
7 Public Defender’s office.

8 (2) The Commission shall keep a record of the hearing.

9 (c) If the commissioner finds from the evidence that the parolee has violated a
10 condition of parole, the commissioner may take any action that the commissioner considers
11 appropriate, including:

12 (1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION**, revoking
13 the order of parole;

14 (ii) setting a future hearing date for consideration for reparole; and

15 (iii) remanding the individual to the Division of Correction or local
16 correctional facility from which the individual was paroled; or

17 (2) continuing parole:

18 (i) without modification of its conditions; or

19 (ii) with modification of its conditions, including a requirement that
20 the parolee spend all or part of the remaining parole period in a home detention program.

21 (d) (1) ~~IF~~ **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN**
22 **ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN §**
23 **6–101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION**
24 **MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:**

25 (I) **FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**

26 (II) **FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**

27 (III) **FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**

28 (2) Subject to paragraph [(2)] (3) of this subsection and further action by
29 the Commission, if the order of parole is revoked **FOR A FOURTH OR SUBSEQUENT**
30 **TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION**, the

1 commissioner hearing the parole revocation, in the commissioner's discretion, may require
2 the inmate to serve any unserved portion of the sentence originally imposed.

3 **[(2)] (3)** An inmate may not receive credit for time between release on
4 parole and revocation of parole if:

5 (i) the inmate was serving a sentence for a violent crime when
6 parole was revoked; and

7 (ii) the parole was revoked due to a finding that the inmate
8 committed a violent crime while on parole.

9 **(4) THE COMMISSIONER MAY DEPART FROM THE LIMITS PROVIDED**
10 **UNDER THIS SUBSECTION IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING**
11 **THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY OR TO A**
12 **VICTIM OR WITNESS ~~OR FOR OTHER GOOD CAUSE.~~**

13 (e) Subject to subsection (d) of this section, if a sentence has commenced as
14 provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when
15 the order of parole is revoked, any reimposed portion of the sentence originally imposed
16 shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this
17 article.

18 (f) (1) The inmate may seek judicial review in the circuit court within 30 days
19 after receiving the written decision of the Commission.

20 (2) The court shall hear the action on the record.

21 7–504.

22 (a) **(1) In this section[, “term] THE FOLLOWING WORDS HAVE THE**
23 **MEANINGS INDICATED.**

24 **(2) “TERM of confinement” has the meaning stated in § 3–701 of this**
25 **article.**

26 **(3) “TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6–101**
27 **OF THIS ARTICLE.**

28 (b) (1) ~~The~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
29 **commissioner presiding at an individual's mandatory supervision revocation hearing may**
30 **revoke [any or all of the] diminution credits previously earned by the individual on the**
31 **individual's term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:**

32 **(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL**
33 **VIOLATION;**