

HOUSE BILL 388

E2

4r1336

By: **Delegates Carter, Holmes, Rosenberg, Anderson, Glenn, and M. Washington**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Approval**

3 FOR the purpose of providing that, if eligible for parole under certain provisions of
4 law, a certain eligible person or inmate who is serving a sentence of life
5 imprisonment based on a conviction under a certain provision of law involving
6 circumstances in which the eligible person or inmate was not a principal in the
7 first degree to the crime may be paroled without the approval of the Governor;
8 providing that the Board of Review for the Patuxent Institution or the Maryland
9 Parole Commission shall make a certain determination by a preponderance of
10 the evidence; providing that a certain eligible person or inmate who is eligible
11 for parole and is serving a sentence of life imprisonment based on the person's
12 conviction of an act committed while a minor may be paroled without the
13 approval of the Governor; and generally relating to sentences of life
14 imprisonment.

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 4–305(b) and 7–301(d)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

23 4–305.

24 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
25 sentenced to life imprisonment is not eligible for parole consideration until the inmate

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 has served 15 years or the equivalent of 15 years when considering allowances for
2 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7
3 of this article and § 6-218 of the Criminal Procedure Article.

4 (2) An inmate sentenced to life imprisonment as a result of a
5 proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not eligible
6 for parole consideration until the inmate has served 25 years or the equivalent of 25
7 years when considering allowances for diminution of the inmate's period of
8 confinement as provided under Title 3, Subtitle 7 of this article and § 6-218 of the
9 Criminal Procedure Article.

10 (3) Subject to [paragraph (4)] **PARAGRAPHS (4), (5), AND (6)** of this
11 subsection, an eligible person who is serving a term of life imprisonment may be
12 paroled only with the Governor's approval.

13 (4) (i) If the Board of Review decides to grant parole to an eligible
14 person sentenced to life imprisonment who has served 25 years without application of
15 diminution of confinement credits, and the Secretary approves the decision, the
16 decision shall be transmitted to the Governor.

17 (ii) The Governor may disapprove the decision by written
18 transmittal to the Board of Review.

19 (iii) If the Governor does not disapprove the decision within 180
20 days after receipt, the decision becomes effective.

21 **(5) (I) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE**
22 **IMPRISONMENT BASED ON A CONVICTION UNDER § 2-201(A)(4) OF THE**
23 **CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN WHICH THE PERSON**
24 **WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME MAY BE PAROLED**
25 **WITHOUT THE APPROVAL OF THE GOVERNOR.**

26 **(II) THE BOARD OF REVIEW SHALL MAKE THE**
27 **DETERMINATION OF WHETHER THE ELIGIBLE PERSON WAS NOT A PRINCIPAL IN**
28 **THE FIRST DEGREE TO THE CRIME BY A PREPONDERANCE OF THE EVIDENCE.**

29 **(6) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE**
30 **IMPRISONMENT BASED ON THE PERSON'S CONVICTION OF AN ACT COMMITTED**
31 **WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.**

32 7-301.

33 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
34 inmate who has been sentenced to life imprisonment is not eligible for parole
35 consideration until the inmate has served 15 years or the equivalent of 15 years

1 considering the allowances for diminution of the inmate's term of confinement under §
2 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

3 (2) An inmate who has been sentenced to life imprisonment as a result
4 of a proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not
5 eligible for parole consideration until the inmate has served 25 years or the equivalent
6 of 25 years considering the allowances for diminution of the inmate's term of
7 confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of
8 this article.

9 (3) (i) If an inmate has been sentenced to imprisonment for life
10 without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article,
11 the inmate is not eligible for parole consideration and may not be granted parole at
12 any time during the inmate's sentence.

13 (ii) This paragraph does not restrict the authority of the
14 Governor to pardon or remit any part of a sentence under § 7-601 of this title.

15 (4) Subject to [paragraph (5)] **PARAGRAPHS (5), (6), AND (7)** of this
16 subsection, if eligible for parole under this subsection, an inmate serving a term of life
17 imprisonment may only be paroled with the approval of the Governor.

18 (5) (i) If the Commission decides to grant parole to an inmate
19 sentenced to life imprisonment who has served 25 years without application of
20 diminution of confinement credits, the decision shall be transmitted to the Governor.

21 (ii) The Governor may disapprove the decision by written
22 transmittal to the Commission.

23 (iii) If the Governor does not disapprove the decision within 180
24 days after receipt, the decision becomes effective.

25 **(6) (I) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS**
26 **SERVING A TERM OF LIFE IMPRISONMENT BASED ON A CONVICTION UNDER**
27 **§ 2-201(A)(4) OF THE CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN**
28 **WHICH THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME**
29 **MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.**

30 **(II) THE COMMISSION SHALL MAKE THE DETERMINATION**
31 **OF WHETHER THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE**
32 **CRIME BY A PREPONDERANCE OF THE EVIDENCE.**

33 **(7) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS SERVING A**
34 **TERM OF LIFE IMPRISONMENT BASED ON THE INMATE'S CONVICTION OF AN ACT**
35 **COMMITTED WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF**
36 **THE GOVERNOR.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.