

SENATE BILL 402

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6lr0857
CF 6lr2916

By: **Senator Waugh**

Introduced and read first time: January 29, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – First Degree Murder – Sentencing**
3 **(Geraldine’s Law)**

4 FOR the purpose of requiring the court to impose lifetime supervision for a certain person
5 convicted of first degree murder; requiring lifetime supervision to include certain
6 terms; prohibiting a person subject to lifetime supervision from knowingly or
7 willfully violating the conditions of lifetime supervision; providing a certain penalty
8 for certain violations of lifetime supervision; establishing that a certain violation
9 does not discharge an offender from lifetime supervision; authorizing a court to take
10 certain actions during lifetime supervision; requiring a sentencing court to hear and
11 adjudicate a petition for discharge from lifetime supervision; authorizing a person to
12 file a petition for discharge at a certain time; prohibiting a person from renewing a
13 petition for discharge for a certain period of time under certain circumstances;
14 prohibiting a certain court from denying a petition for discharge without a hearing;
15 prohibiting a court from discharging a person from lifetime supervision unless the
16 court makes a certain finding on the record; requiring a certain judge to act on a
17 petition for discharge; and generally relating to sentencing for murder.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Law
20 Section 2–201
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2015 Supplement)

23 BY adding to
24 Article – Criminal Law
25 Section 2–202
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 2–201.

5 (a) A murder is in the first degree if it is:

6 (1) a deliberate, premeditated, and willful killing;

7 (2) committed by lying in wait;

8 (3) committed by poison; or

9 (4) committed in the perpetration of or an attempt to perpetrate:

10 (i) arson in the first degree;

11 (ii) burning a barn, stable, tobacco house, warehouse, or other
12 outbuilding that:

13 1. is not parcel to a dwelling; and

14 2. contains cattle, goods, wares, merchandise, horses, grain,
15 hay, or tobacco;

16 (iii) burglary in the first, second, or third degree;

17 (iv) carjacking or armed carjacking;

18 (v) escape in the first degree from a State correctional facility or a
19 local correctional facility;

20 (vi) kidnapping under § 3–502 or § 3–503(a)(2) of this article;

21 (vii) mayhem;

22 (viii) rape;

23 (ix) robbery under § 3–402 or § 3–403 of this article;

24 (x) sexual offense in the first or second degree;

25 (xi) sodomy; or

1 (xii) a violation of § 4-503 of this article concerning destructive
2 devices.

3 (b) (1) A person who commits a murder in the first degree is guilty of a felony
4 and on conviction shall be sentenced to:

5 (i) imprisonment for life without the possibility of parole; or

6 (ii) **SUBJECT TO § 2-202 OF THIS SUBTITLE**, imprisonment for life.

7 (2) Unless a sentence of imprisonment for life without the possibility of
8 parole is imposed in compliance with § 2-203 of this subtitle and § 2-304 of this title, the
9 sentence shall be imprisonment for life.

10 **2-202.**

11 (A) **EXCEPT WHERE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT**
12 **THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A PERSON CONVICTED**
13 **OF MURDER IN THE FIRST DEGREE SHALL INCLUDE A TERM OF LIFETIME**
14 **SUPERVISION.**

15 (B) **A TERM OF LIFETIME SUPERVISION IMPOSED UNDER THIS SECTION**
16 **SHALL INCLUDE:**

17 (1) **AT LEAST 5 YEARS OF SUPERVISED PROBATION FOLLOWING**
18 **RELEASE FROM IMPRISONMENT OR CUSTODIAL CONFINEMENT;**

19 (2) **ELECTRONIC MONITORING FOR A TERM OF LIFE FOLLOWING**
20 **RELEASE FROM IMPRISONMENT OR CUSTODIAL CONFINEMENT; AND**

21 (3) **ANY OTHER CONDITIONS THAT THE COURT CONSIDERS**
22 **APPROPRIATE.**

23 (C) **A PERSON SUBJECT TO LIFETIME SUPERVISION UNDER THIS SECTION**
24 **MAY NOT KNOWINGLY OR WILLFULLY VIOLATE THE CONDITIONS OF THE LIFETIME**
25 **SUPERVISION.**

26 (D) **A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (C) OF THIS**
27 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
28 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**
29 **BOTH.**

30 (E) (1) **A VIOLATION OF SUBSECTION (C) OF THIS SECTION DOES NOT**
31 **DISCHARGE A PERSON FROM LIFETIME SUPERVISION.**

1 **(2) ON RELEASE FROM A SENTENCE IMPOSED UNDER SUBSECTION**
2 **(D) OF THIS SECTION, A PERSON REMAINS ON LIFETIME SUPERVISION UNTIL**
3 **DISCHARGED UNDER SUBSECTION (G) OF THIS SECTION.**

4 **(F) DURING THE PERIOD OF LIFETIME SUPERVISION, THE COURT MAY:**

5 **(1) REMAND THE PERSON TO A CORRECTIONAL FACILITY OR RELEASE**
6 **THE PERSON WITH OR WITHOUT BAIL PENDING THE HEARING OR DETERMINATION**
7 **OF A CHARGE OF VIOLATION OF LIFETIME SUPERVISION; AND**

8 **(2) IF THE COURT FINDS THAT THE PERSON COMMITTED A VIOLATION**
9 **OF LIFETIME SUPERVISION, IMPOSE A SENTENCE AS PRESCRIBED IN SUBSECTION**
10 **(D) OF THIS SECTION.**

11 **(G) (1) THE SENTENCING COURT SHALL HEAR AND ADJUDICATE A**
12 **PETITION FOR DISCHARGE FROM LIFETIME SUPERVISION.**

13 **(2) A PERSON MAY FILE A PETITION FOR DISCHARGE AFTER SERVING**
14 **AT LEAST 5 YEARS OF SUPERVISION.**

15 **(3) IF A PETITION FOR DISCHARGE IS DENIED, A PERSON MAY NOT**
16 **RENEW THE PETITION FOR AT LEAST 1 YEAR.**

17 **(4) (I) THE SENTENCING COURT MAY NOT DENY A PETITION FOR**
18 **DISCHARGE WITHOUT A HEARING.**

19 **(II) THE COURT MAY NOT DISCHARGE A PERSON FROM**
20 **LIFETIME SUPERVISION UNLESS THE COURT MAKES A FINDING ON THE RECORD**
21 **THAT THE PERSON IS NO LONGER A DANGER TO OTHERS.**

22 **(5) UNLESS THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS DIED**
23 **OR RESIGNED, OR IS OTHERWISE INCAPACITATED, THE JUDGE WHO ORIGINALLY**
24 **IMPOSED LIFETIME SUPERVISION SHALL ACT ON THE PETITION FOR DISCHARGE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2016.