

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1392
Judiciary

(Delegate Sanchez, *et al.*)

Task Force to Study the Imposition of Life Without the Possibility of Parole for
Persons Found Guilty of Murder in the First Degree

This bill establishes the Task Force to Study the Imposition of Life Without the Possibility of Parole for Persons Found Guilty of Murder in the First Degree. The task force must designate a chair from its members, and the Department of Legislative Services (DLS) must provide staff for the task force. By December 31, 2017, the task force must report its findings and recommendations to the Governor and the General Assembly.

The bill takes effect June 1, 2017, and terminates June 30, 2018.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must:

- review the statutory authority for the imposition of a sentence of life imprisonment without the possibility of parole for murder in the first degree;
- review the policies and practices of courts in the State regarding a sentence of life without the possibility of parole for murder in the first degree;

- examine the constitutional, statutory, and legislative history of the imposition of a sentence of life without the possibility of parole for murder in the first degree;
- examine whether the threshold factors should be mandated to more precisely identify defendants who receive a sentence of life without the possibility of parole for murder in the first degree, including whether exclusions should exist for juveniles or those with mental illness;
- examine whether charging guidelines should exist to guide prosecutorial discretion in seeking the imposition of a sentence of life without the possibility of parole for murder in the first degree; and
- identify and make recommendations regarding changes in policies and practices necessary to address any issues regarding the imposition of a sentence of life without the possibility of parole for murder in the first degree.

A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law: Individuals convicted of the following offenses may be subject to imprisonment for life without the possibility of parole: (1) murder in the first degree and (2) specified instances of rape in the first degree or sexual offense in the first degree (defendant was previously convicted of first-degree rape or first-degree sexual offense, offense was committed in conjunction with kidnapping a child younger than age 16, or adult offender with victim younger than age 13).

Parole – Generally: Parole is a discretionary and conditional release from imprisonment determined after a hearing for an inmate who is eligible to be considered for parole. If parole is granted, the inmate is allowed to serve the remainder of the sentence in the community, subject to the terms and conditions specified in a written parole order.

The Maryland Parole Commission (MPC) has jurisdiction regarding parole for eligible inmates sentenced to State correctional facilities and local detention centers. Inmates in the Patuxent Institution who are eligible for parole are under the jurisdiction of the Patuxent Board of Review.

Parole Eligibility: In general, a person sentenced to life imprisonment must serve a minimum of 15 years, less diminution credits, before becoming eligible for parole and may be paroled only with the approval of the Governor. However, offenders sentenced to life imprisonment for first-degree murder, instead of a sentence of life imprisonment without the possibility of parole, must serve a minimum of 25 years less diminution credits before becoming eligible for parole and may generally be paroled only with approval of the Governor. However, pursuant to legislation enacted in 2011, if MPC or the Patuxent Board of Review decides to grant parole to an inmate who has served 25 years *without* application

of diminution credits, and the Secretary of Public Safety and Correctional Services approves the decision, the decision must be transmitted to the Governor, who may disapprove the decision in writing within 180 days. If the Governor does not disapprove the decision to grant parole within that timeframe, the decision to grant parole becomes effective.

Inmates serving a sentence of life without the possibility of parole may not be granted parole unless the Governor commutes the sentence to allow for the possibility of parole or pardons the individual.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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fn/kdm

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