

SENATE BILL 121

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9lr0626
CF 9lr0627

By: **Senators Kelley, Augustine, Benson, Carter, Elfreth, Griffith, Hayes, Kagan, King, Lee, McCray, Nathan-Pulliam, Patterson, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, and West**

Introduced and read first time: January 17, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Reform**

3 FOR the purpose of establishing that inmates serving a term of life imprisonment may be
4 paroled without the Governor's approval after serving a certain amount of time
5 under certain circumstances; making stylistic changes; making a technical
6 correction; and generally relating to sentences of life imprisonment.

7 BY repealing and reenacting, with amendments,
8 Article – Correctional Services
9 Section 4–305(b) and 7–301(d)
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2018 Supplement)

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

14 **Article – Correctional Services**

15 4–305.

16 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
17 sentenced to life imprisonment is not eligible for parole consideration until the inmate has
18 served 15 years or the equivalent of 15 years when considering allowances for diminution
19 of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article
20 and § 6–218 of the Criminal Procedure Article.

21 (2) An inmate sentenced to life imprisonment as a result of a proceeding
22 under former § 2–303 (**DEATH PENALTY**) or § 2–304 (**IMPRISONMENT FOR LIFE**)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **WITHOUT THE POSSIBILITY OF PAROLE)** of the Criminal Law Article is not eligible for
2 parole consideration until the inmate has served 25 years or the equivalent of 25 years
3 when considering allowances for diminution of the inmate's period of confinement as
4 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure
5 Article.

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

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

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

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

17 **(5) IF THE BOARD OF REVIEW DECIDES TO GRANT PAROLE TO AN**
18 **ELIGIBLE PERSON SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 30 YEARS**
19 **WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, AND THE**
20 **SECRETARY APPROVES THE DECISION, THE PERSON SHALL BE PAROLED WITHOUT**
21 **THE APPROVAL OF THE GOVERNOR.**

22 7–301.

23 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
24 inmate who has been sentenced to life imprisonment is not eligible for parole consideration
25 until the inmate has served 15 years or the equivalent of 15 years considering the
26 allowances for diminution of the inmate's term of confinement under § 6–218 of the
27 Criminal Procedure Article and Title 3, Subtitle 7 of this article.

28 (2) An inmate who has been sentenced to life imprisonment as a result of
29 a proceeding under former § 2–303 (**DEATH PENALTY**) or § 2–304 (**IMPRISONMENT FOR**
30 **LIFE WITHOUT THE POSSIBILITY OF PAROLE)** of the Criminal Law Article is not eligible
31 for parole consideration until the inmate has served 25 years or the equivalent of 25 years
32 considering the allowances for diminution of the inmate's term of confinement under §
33 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

34 (3) (i) If an inmate has been sentenced to imprisonment for life without
35 the possibility of parole under § [2–203] **2–303** or § 2–304 of the Criminal Law Article, the
36 inmate is not eligible for parole consideration and may not be granted parole at any time
37 during the inmate's sentence.

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

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

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

9 (ii) The Governor may disapprove the decision by written
10 transmittal to the Commission.

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

13 **(6) IF THE COMMISSION DECIDES TO GRANT PAROLE TO AN INMATE**
14 **SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 30 YEARS WITHOUT**
15 **APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, THE INMATE SHALL BE**
16 **PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.