

SENATE BILL 874

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CF HB 719

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Serafini, Simonaire, and West**

Introduced and read first time: February 8, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Life Imprisonment – Parole Eligibility**

3 FOR the purpose of establishing that certain inmates sentenced to life imprisonment for a
4 crime committed on or after a certain date are not eligible for parole consideration
5 until a certain time under certain circumstances; requiring that a certain decision
6 by the Maryland Parole Commission regarding parole of a certain inmate be
7 transmitted to the Governor; and generally relating to parole eligibility.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–301
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2018 Supplement)

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

15 **Article – Correctional Services**

16 7–301.

17 (a) (1) Except as otherwise provided in this section, the Commission shall
18 request that the Division of Parole and Probation make an investigation for inmates in a
19 local correctional facility and the Division of Correction make an investigation for inmates
20 in a State correctional facility that will enable the Commission to determine the
21 advisability of granting parole to an inmate who:

22 (i) has been sentenced under the laws of the State to serve a term
23 of 6 months or more in a correctional facility; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) has served in confinement one-fourth of the inmate's aggregate
2 sentence.

3 (2) Except as provided in paragraph (3) of this subsection, or as otherwise
4 provided by law or in a predetermined parole release agreement, an inmate is not eligible
5 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate
6 sentence.

7 (3) An inmate may be released on parole at any time in order to undergo
8 drug or alcohol treatment, mental health treatment, or to participate in a residential
9 program of treatment in the best interest of an inmate's expected or newborn child if the
10 inmate:

11 (i) is not serving a sentence for a crime of violence, as defined in §
12 14-101 of the Criminal Law Article;

13 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
14 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal
15 Law Article; and

16 (iii) has been determined to be amenable to treatment.

17 (4) The Division of Parole and Probation shall complete and submit to the
18 Commission each investigation of an inmate in a local correctional facility required under
19 paragraph (1) of this subsection within 60 days of commitment.

20 (b) Except as provided in subsection (c) of this section, if an inmate has been
21 sentenced to a term of imprisonment during which the inmate is eligible for parole and a
22 term of imprisonment during which the inmate is not eligible for parole, the inmate is not
23 eligible for parole consideration under subsection (a) of this section until the inmate has
24 served the greater of:

25 (1) one-fourth of the inmate's aggregate sentence; or

26 (2) a period equal to the term during which the inmate is not eligible for
27 parole.

28 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an
29 inmate who has been sentenced to the Division of Correction after being convicted of a
30 violent crime committed on or after October 1, 1994, is not eligible for parole until the
31 inmate has served the greater of:

32 1. one-half of the inmate's aggregate sentence for violent
33 crimes; or

34 2. one-fourth of the inmate's total aggregate sentence.

1 (ii) An inmate who has been sentenced to the Division of Correction
2 after being convicted of a violent crime committed on or after October 1, 1994, and who has
3 been sentenced to more than one term of imprisonment, including a term during which the
4 inmate is eligible for parole and a term during which the inmate is not eligible for parole,
5 is not eligible for parole until the inmate has served the greater of:

6 1. one-half of the inmate's aggregate sentence for violent
7 crimes;

8 2. one-fourth of the inmate's total aggregate sentence; or

9 3. a period equal to the term during which the inmate is not
10 eligible for parole.

11 (2) An inmate who is serving a term of imprisonment for a violent crime
12 committed on or after October 1, 1994, shall receive an administrative review of the
13 inmate's progress in the correctional facility after the inmate has served the greater of:

14 (i) one-fourth of the inmate's aggregate sentence; or

15 (ii) if the inmate is serving a term of imprisonment that includes a
16 mandatory term during which the inmate is not eligible for parole, a period equal to the
17 term during which the inmate is not eligible for parole.

18 (d) (1) **THIS SUBSECTION APPLIES TO A CRIME COMMITTED BEFORE**
19 **OCTOBER 1, 2019.**

20 (2) Except as provided in [paragraphs (2) and] **PARAGRAPH (3)** of this
21 subsection **AND SUBSECTION (F) OF THIS SECTION**, an inmate who has been sentenced
22 to life imprisonment is not eligible for parole consideration until the inmate has served 15
23 years or the equivalent of 15 years considering the allowances for diminution of the
24 inmate's term of confinement under § 6-218 of the Criminal Procedure Article and Title 3,
25 Subtitle 7 of this article.

26 [(2)] (3) An inmate who has been sentenced to life imprisonment as a
27 result of a proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not
28 eligible for parole consideration until the inmate has served 25 years or the equivalent of
29 25 years considering the allowances for diminution of the inmate's term of confinement
30 under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

31 (E) (1) **THIS SUBSECTION APPLIES TO A CRIME COMMITTED ON OR AFTER**
32 **OCTOBER 1, 2019.**

33 (2) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION**
34 **AND SUBSECTION (F) OF THIS SECTION, AN INMATE WHO HAS BEEN SENTENCED TO**

1 LIFE IMPRISONMENT IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE
 2 INMATE HAS SERVED 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF
 3 CONFINEMENT CREDITS.

4 (3) AN INMATE WHO HAS BEEN SENTENCED TO LIFE IMPRISONMENT
 5 AS A RESULT OF A PROCEEDING UNDER § 2–304 OF THE CRIMINAL LAW ARTICLE IS
 6 NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE INMATE HAS SERVED 30
 7 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS.

8 [(3) (i) (F) (1) If an inmate has been sentenced to imprisonment
 9 for life without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law
 10 Article, the inmate is not eligible for parole consideration and may not be granted parole at
 11 any time during the inmate’s sentence.

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

15 [(4) (G) (1) Subject to paragraph [(5)] (2) of this subsection, if eligible
 16 for parole under this subsection, an inmate serving a term of life imprisonment may only
 17 be paroled with the approval of the Governor.

18 [(5) (2) (i) 1. [If] EXCEPT AS PROVIDED IN
 19 SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF the Commission decides to grant
 20 parole to an inmate sentenced to life imprisonment who has served 25 years without
 21 application of diminution of confinement credits, the decision shall be transmitted to the
 22 Governor.

23 2. IF THE COMMISSION DECIDES TO GRANT PAROLE TO
 24 AN INMATE SENTENCED TO LIFE IMPRISONMENT AS A RESULT OF A PROCEEDING
 25 UNDER § 2–304 OF THE CRIMINAL LAW ARTICLE FOR A CRIME COMMITTED ON OR
 26 AFTER OCTOBER 1, 2019, WHO HAS SERVED 30 YEARS WITHOUT APPLICATION OF
 27 DIMINUTION OF CONFINEMENT CREDITS, THE DECISION SHALL BE TRANSMITTED TO
 28 THE GOVERNOR.

29 (ii) The Governor may disapprove the decision by written
 30 transmittal to the Commission.

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

33 [(e) (H) An inmate who is serving a term of imprisonment for a third or
 34 subsequent conviction of a felony violation of Title 5, Subtitle 6 of the Criminal Law Article
 35 committed on or after October 1, 2017, is not eligible for parole until the inmate has served
 36 in confinement one-half of the inmate’s aggregate sentence.

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