

SENATE BILL 202

E2

(11r0556)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Kelley, Carter, Smith, and Waldstreicher**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Parole – Life Imprisonment**

3 FOR the purpose of altering the time period that certain inmates sentenced to life
4 imprisonment must serve before becoming eligible for parole consideration;
5 repealing certain provisions that provide that inmates serving a term of life
6 imprisonment may be paroled only with the Governor’s approval, subject to certain
7 provisions; repealing certain provisions that require certain parole decisions to be
8 transmitted to the Governor under certain circumstances; repealing certain
9 provisions that authorize the Governor to disapprove certain parole decisions in a
10 certain manner; repealing certain provisions that provide that if the Governor does
11 not disapprove a certain parole decision in a certain manner within a certain time
12 period, the decision becomes effective; requiring certain decisions to be determined
13 by a certain vote of the Maryland Parole Commission; and generally relating to
14 parole.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Correctional Services
 3 Section 4–305(b) ~~and~~, 7–301(d), and 7–307
 4 Annotated Code of Maryland
 5 (2017 Replacement Volume and 2020 Supplement)

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

8 **Article – Correctional Services**

9 4–305.

10 (b) (1) Except as provided in paragraph (2) of this subsection[,]:

11 (I) an inmate sentenced to life imprisonment **AFTER BEING**
 12 **CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible for
 13 parole consideration until the inmate has served 15 years or the equivalent of 15 years
 14 when considering allowances for diminution of the inmate’s period of confinement as
 15 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure
 16 Article; **AND**

17 (II) **AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
 18 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
 19 **OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
 20 **INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS WHEN**
 21 **CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE’S PERIOD OF**
 22 **CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND §**
 23 **6–218 OF THE CRIMINAL PROCEDURE ARTICLE ~~OR THE EQUIVALENT OF 20 YEARS~~**
 24 **~~WHEN CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE’S PERIOD OF~~**
 25 **~~CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND §~~**
 26 **~~6–218 OF THE CRIMINAL PROCEDURE ARTICLE.~~**

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

32 [(3) Subject to paragraph (4) of this subsection, an eligible person who is
 33 serving a term of life imprisonment may be paroled only with the Governor’s approval.

34 (4) (i) If the Board of Review decides to grant parole to an eligible
 35 person sentenced to life imprisonment who has served 25 years without application of

1 diminution of confinement credits, and the Secretary approves the decision, the decision
2 shall be transmitted to the Governor.

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

5 (iii) If the Governor does not disapprove the decision within 180 days
6 after receipt, the decision becomes effective.]

7 7-301.

8 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection[,]:

9 (I) an inmate who has been sentenced to life imprisonment **AFTER**
10 **BEING CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible
11 for parole consideration until the inmate has served 15 years or the equivalent of 15 years
12 considering the allowances for diminution of the inmate's term of confinement under §
13 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article; **AND**

14 (II) **AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
15 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
16 **OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
17 **INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS CONSIDERING THE**
18 **ALLOWANCES FOR DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT UNDER §**
19 **6-218 OF THE CRIMINAL PROCEDURE ARTICLE AND TITLE 3, SUBTITLE 7 OF THIS**
20 **ARTICLE OR THE EQUIVALENT OF 20 YEARS CONSIDERING THE ALLOWANCES FOR**
21 **DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT UNDER § 6-218 OF THE**
22 **CRIMINAL PROCEDURE ARTICLE AND TITLE 3, SUBTITLE 7 OF THIS ARTICLE.**

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

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

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

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

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

7 (ii) The Governor may disapprove the decision by written
8 transmittal to the Commission.

9 (iii) If the Governor does not disapprove the decision within 180 days
10 after receipt, the decision becomes effective.]

11 7-307.

12 (a) (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
13 THE chairperson of the Commission shall assign at least two commissioners to hear cases
14 for parole release as a panel.

15 (2) Each proceeding before a Commission panel shall be conducted in
16 accordance with this section.

17 (b) (1) (i) A Commission panel that consists of two commissioners shall
18 determine, by unanimous vote, whether the inmate is suitable for parole in accordance with
19 the factors and other information specified in § 7-305 of this subtitle.

20 (ii) If the two-commissioner panel is unable to reach a unanimous
21 decision, the chairperson of the Commission shall convene a three-commissioner panel as
22 soon as practicable to rehear the case.

23 (2) A Commission panel that consists of three commissioners shall
24 determine, by majority vote, whether the inmate is suitable for parole in accordance with
25 the factors and other information specified in § 7-305 of this subtitle.

26 (C) ~~(1) FOR AN INMATE WHO HAS BEEN SENTENCED TO LIFE~~
27 ~~IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER~~
28 ~~OCTOBER 1, 2021, THE PANEL SHALL CONSIST OF AT LEAST SIX COMMISSIONERS.~~

29 ~~(2) A COMMISSION PANEL UNDER THIS SUBSECTION SHALL~~
30 ~~DETERMINE, BY A VOTE OF SIX OF THE MEMBERS OF THE PANEL, WHETHER THE~~
31 ~~INMATE IS SUITABLE FOR PAROLE IN ACCORDANCE WITH THE FACTORS AND OTHER~~
32 ~~INFORMATION AT LEAST SIX AFFIRMATIVE VOTES ARE REQUIRED TO APPROVE THE~~
33 ~~INMATE FOR PAROLE, BASED ON CONSIDERATION OF THE FACTORS SPECIFIED IN §~~
34 ~~7-305 OF THIS SUBTITLE.~~

1 ~~[(c)] (D)~~ (1) The Commission panel shall inform the inmate and the
2 appropriate correctional authority of the Commission's decision as soon as possible.

3 (2) If parole is denied, the Commission shall give the inmate a written
4 report of its findings within 30 days after the hearing.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.