
By: **Delegate J. Kelly**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes and Punishments - Parole Eligibility**

3 FOR the purpose of increasing the time that must be served by certain persons who
4 are convicted of certain nonviolent crimes before becoming eligible for parole
5 consideration by the Parole Commission; increasing the time that must be
6 served by certain persons who are convicted of certain violent crimes before
7 becoming eligible for parole consideration by the Parole Commission; making
8 rules relating to parole eligibility applicable to inmates of the Patuxent
9 Institution and parole consideration by the Patuxent Board of Review; making
10 certain conforming changes relating to multiple and consecutive sentences and
11 administrative review; increasing the time that must be served by a person who
12 has been sentenced to life imprisonment before becoming eligible for parole
13 consideration by the Parole Commission or the Patuxent Board of Review under
14 certain circumstances; and generally relating to crimes, punishments, and
15 parole eligibility.

16 BY repealing and reenacting, with amendments,
17 Article - Correctional Services
18 Section 4-305 and 7-301
19 Annotated Code of Maryland
20 (As enacted by Chapter ___ (H.B. 11) of the Acts of the General Assembly of
21 1999)

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

24 **Article - Correctional Services**

25 4-305.

26 (a) [After] SUBJECT TO SUBSECTION (B) OF THIS SECTION, transfer of an
27 inmate to the Institution for treatment as an eligible person but before expiration of
28 the inmate's sentence, the Board of Review may grant a parole from the Institution
29 for a period not exceeding 1 year if the Board of Review concludes that the parole:

1 (1) will not impose an unreasonable risk on society; and

2 (2) will assist in the remediation of the eligible person.

3 (b) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
4 THE BOARD OF REVIEW MAY GRANT PAROLE TO AN ELIGIBLE PERSON UNDER
5 SUBSECTION (A) OF THIS SECTION AFTER THE PERSON HAS SERVED ONE-HALF OF
6 THE PERSON'S TERM OR CONSECUTIVE TERMS.

7 (II) A PERSON WHO HAS BEEN SENTENCED TO MORE THAN ONE
8 TERM OF CONFINEMENT, INCLUDING A TERM DURING WHICH THE PERSON IS
9 ELIGIBLE FOR PAROLE AND A TERM DURING WHICH THE PERSON IS NOT ELIGIBLE
10 FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNDER SUBSECTION
11 (A) OF THIS SECTION UNTIL THE PERSON HAS SERVED THE GREATER OF:

12 1. ONE-HALF OF THE AGGREGATE TERMS SENTENCED; OR

13 2. A PERIOD OF TIME EQUAL TO THE TERM DURING WHICH
14 THE PERSON IS NOT ELIGIBLE FOR PAROLE.

15 (2) (I) AN ELIGIBLE PERSON WHO IS SERVING A SENTENCE FOR A
16 VIOLENT CRIME IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNDER SUBSECTION
17 (A) OF THIS SECTION UNTIL THE PERSON HAS SERVED THE GREATER OF:

18 1. THREE-FOURTHS OF THE INMATE'S AGGREGATE
19 SENTENCE FOR VIOLENT CRIMES; OR

20 2. ONE-HALF OF THE INMATE'S TOTAL AGGREGATE
21 SENTENCE.

22 (II) A PERSON WHO IS SERVING A SENTENCE FOR A VIOLENT CRIME AND
23 HAS BEEN SENTENCED TO MORE THAN ONE TERM OF CONFINEMENT, INCLUDING A
24 TERM DURING WHICH THE PERSON IS ELIGIBLE FOR PAROLE AND A TERM DURING
25 WHICH THE PERSON IS NOT ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE
26 UNTIL THE PERSON HAS SERVED THE GREATER OF:

27 1. THREE-FOURTHS OF THE INMATE'S AGGREGATE
28 SENTENCE FOR VIOLENT CRIMES;

29 2. ONE-HALF OF THE INMATE'S TOTAL AGGREGATE
30 SENTENCE; OR

31 3. A PERIOD EQUAL TO THE TERM DURING WHICH THE
32 INMATE IS NOT ELIGIBLE FOR PAROLE.

33 (C) (1) Except as provided in paragraph (2) of this subsection, an inmate
34 sentenced to life imprisonment is not eligible for parole consideration until the inmate
35 has served [15] 20 years or the equivalent of [15] 20 years when considering
36 allowances for diminution of the inmate's period of confinement as provided under
37 Title 3, Subtitle 7 of this article and Article 27, § 638C of the Code.

1 (2) An inmate sentenced to life imprisonment as a result of a proceeding
2 under Article 27, § 413 is not eligible for parole consideration until the inmate has
3 served [25] 30 years or the equivalent of [25] 30 years when considering allowances
4 for diminution of the inmate's period of confinement as provided under Title 3,
5 Subtitle 7 of this article and Article 27, § 638C of the Code.

6 (3) An eligible person who is serving a term of life imprisonment may be
7 paroled only with the Governor's approval.

8 [(c)] (D) (1) The Board of Review may:

9 (i) attach reasonable conditions to parole granted under this
10 section;

11 (ii) make reasonable and appropriate modifications of the
12 conditions at any time; and

13 (iii) revoke the parole if the Board of Review finds that the
14 individual has violated a condition of the parole.

15 (2) The Board of Review:

16 (i) shall review an individual's status before the expiration of the
17 parole period; and

18 (ii) may extend the parole.

19 [(d)] (E) (1) The Board of Review shall mail to the victim written notice of
20 an eligible person's parole hearing.

21 (2) Before the Board decides whether to grant parole to an eligible
22 person, the Board of Review shall give the victim a reasonable opportunity to
23 comment on the parole in writing or to present oral testimony in the manner that the
24 Board of Review establishes by regulation.

25 (3) The Board of Review promptly shall notify the victim of the decision
26 of the Board of Review regarding parole.

27 (4) The victim may designate, in writing to the Board of Review, the
28 name and address of a representative who is a resident of the State to receive notice
29 for the victim.

30 (5) The Board of Review shall delete the victim's address and phone
31 number from a document before the Board of Review allows examination of the
32 document by the eligible person or the eligible person's representative.

33 [(e)] (F) The Board of Review may not release an eligible person on parole
34 until the Secretary approves the parole decision.

35 [(f)] (G) (1) If an individual has completed successfully 3 years on parole
36 without violation and the Board of Review concludes that the individual is safe to be

1 permanently released, the Board of Review, through the Director, may petition the
2 court that last sentenced the individual to:

3 (i) suspend the individual's remaining sentence and terminate
4 parole supervision on the conditions the court considers appropriate; or

5 (ii) vacate the individual's remaining sentence.

6 (2) (i) The Director shall serve notice of the petition on the victim and
7 the State's Attorney who last prosecuted the individual.

8 (ii) The State's Attorney shall be a party to the proceeding.

9 (3) After a hearing, the court may either grant or deny the relief
10 requested in the petition.

11 7-301.

12 (a) Except as otherwise provided in this section, the Commission shall request
13 that the Division of Parole and Probation make an investigation that will enable the
14 Commission to determine the advisability of granting parole to an inmate who:

15 (1) has been sentenced under the laws of the State to serve a term of 6
16 months or more in a correctional facility; and

17 (2) has served in confinement [one-fourth] ONE-HALF of the inmate's
18 aggregate sentence.

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

24 (1) [one-fourth] ONE-HALF of the inmate's aggregate sentence; or

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

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

31 1. [one-half] THREE-FOURTHS of the inmate's aggregate
32 sentence for violent crimes; or

33 2. [one-fourth] ONE-HALF of the inmate's total aggregate
34 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
3 who has been sentenced to more than one term of imprisonment, including a term
4 during which the inmate is eligible for parole and a term during which the inmate is
5 not eligible for parole, is not eligible for parole until the inmate has served the greater
6 of:

7 1. [one-half] THREE-FOURTHS of the inmate's aggregate
8 sentence for violent crimes;

9 2. [one-fourth] ONE-HALF of the inmate's total aggregate
10 sentence; or

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

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

17 (i) [one-fourth] ONE-HALF of the inmate's aggregate sentence; or

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

21 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
22 inmate who has been sentenced to life imprisonment is not eligible for parole
23 consideration until the inmate has served [15] 20 years or the equivalent of [15] 20
24 years considering the allowances for diminution of the inmate's term of confinement
25 under Article 27, § 638C of the Code and Title 3, Subtitle 7 of this article.

26 (2) An inmate who has been sentenced to life imprisonment as a result of
27 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
28 inmate has served [25] 30 years or the equivalent of [25] 30 years considering the
29 allowances for diminution of the inmate's term of confinement under Article 27, §
30 638C of the Code and Title 3, Subtitle 7 of this article.

31 (3) (i) If an inmate has been sentenced to imprisonment for life
32 without the possibility of parole under Article 27, § 412 or § 413 of the Code, the
33 inmate is not eligible for parole consideration and may not be granted parole at any
34 time during the inmate's sentence.

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

37 (4) If eligible for parole under this subsection, an inmate serving a term
38 of life imprisonment may only be paroled with the approval of the Governor.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.