

SENATE BILL 312

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HB 661/98 - JUD

1999 Regular Session
9lr2065
CF 9lr0984

By: **Senator Baker**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Pardons, Commutations, and Other Acts of Clemency - Notification**

3 FOR the purpose of requiring the Maryland Parole Commission to provide notice to
4 members of the public when it recommends to the Governor that an inmate be
5 pardoned, that an inmate's sentence be commuted, or that an inmate receive
6 any other act of clemency; specifying the manner in which the notice must be
7 provided; requiring the Governor to give notice to the General Assembly and
8 members of the public of the Governor's decision to grant a pardon,
9 commutation, or remission at least a certain amount of time before the pardon,
10 commutation, or remission becomes effective; specifying the contents of the
11 notice and the manner in which it must be provided; and generally relating to
12 pardons, commutations, and other acts of clemency.

13 BY repealing and reenacting, with amendments,
14 Article - Correctional Services
15 Section 7-206 and 7-601
16 Annotated Code of Maryland
17 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
18 1999)

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

21 **Article - Correctional Services**

22 7-206.

23 (A) The Commission shall:

24 (1) evaluate information on the activities of parolees that the Division of
25 Parole and Probation reports;

26 (2) issue warrants or delegate to the Director of the Division of Parole
27 and Probation the authority to issue warrants to retake parolees who are charged
28 with violating a condition of parole;

- 1 (3) review and make recommendations to the Governor:
- 2 (i) concerning parole of an inmate under a sentence of life
3 imprisonment; and
- 4 (ii) if requested by the Governor, concerning a pardon, commutation
5 of sentence, or other clemency;
- 6 (4) establish and modify general policy governing the conduct of
7 parolees; and
- 8 (5) arrange for psychiatric or psychological examination of applicants for
9 parole whenever the Commission believes that an examination will better enable it to
10 decide on the advisability of parole and include the expense for the examination in its
11 annual budget.

12 (B) (1) THE COMMISSION SHALL NOTIFY MEMBERS OF THE PUBLIC WHEN
13 IT RECOMMENDS TO THE GOVERNOR UNDER SUBSECTION (A)(3)(II) OF THIS SECTION
14 THAT:

- 15 (I) AN INMATE BE PARDONED;
- 16 (II) AN INMATE'S SENTENCE BE COMMUTED; OR
- 17 (III) AN INMATE RECEIVE ANY OTHER ACT OF CLEMENCY.
- 18 (2) THE COMMISSION'S NOTICE SHALL BE PUBLISHED:
- 19 (I) AT LEAST ONCE;
- 20 (II) NOT MORE THAN 30 DAYS FOLLOWING THE DATE OF THE
21 RECOMMENDATION; AND
- 22 (III) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN
23 THE COUNTY OR COUNTIES IN WHICH:
- 24 1. THE CRIME OCCURRED; AND
- 25 2. THE VICTIM OR THE VICTIM'S DESIGNATED
26 REPRESENTATIVE RESIDES.

27 7-601.

- 28 (a) On giving the notice required by the Constitution, the Governor may:
- 29 (1) commute or change a sentence of death into a period of confinement
30 that the Governor considers expedient;
- 31 (2) pardon an individual convicted of a crime subject to any conditions
32 the Governor requires; or

1 (3) remit any part of a sentence of imprisonment subject to any
2 conditions the Governor requires, without the remission operating as a full pardon.

3 (b) (1) AT LEAST 90 DAYS BEFORE THE EFFECTIVE DATE OF A PARDON,
4 COMMUTATION, OR REMISSION GRANTED UNDER SUBSECTION (A) OF THIS SECTION,
5 THE GOVERNOR SHALL:

6 (I) PROVIDE NOTICE OF THE DECISION TO THE GENERAL
7 ASSEMBLY; AND

8 (II) PUBLISH NOTICE OF THE DECISION IN A LEAST ONE
9 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OR COUNTIES IN WHICH:

10 1. THE CRIME OCCURRED; AND

11 2. THE VICTIM OR THE VICTIM'S DESIGNATED
12 REPRESENTATIVE RESIDES.

13 (2) THE NOTICES REQUIRED UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL STATE:

15 (I) THAT AN APPLICATION FOR A PARDON, COMMUTATION, OR
16 REMISSION WAS RECEIVED BY THE GOVERNOR;

17 (II) THE INMATE'S IDENTITY;

18 (III) THE CRIME OR CRIMES FOR WHICH THE INMATE WAS
19 CONVICTED; AND

20 (IV) THE DATE ON WHICH THE PARDON, COMMUTATION, OR
21 REMISSION WILL BECOME EFFECTIVE.

22 (C) (1) A pardon or commutation of sentence shall be evidenced by a written
23 executive order signed by the Governor under the great seal.

24 (2) An order granting a pardon or conditional pardon shall clearly
25 indicate on its face whether it is a partial or full pardon.

26 [(c)] (D) There is a presumption that the grantee of a pardon was lawfully and
27 properly convicted of a crime against the State unless the order granting the pardon
28 states that the grantee has been shown conclusively to have been convicted in error.

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