

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 400
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Commission" insert "and Patuxent Institution Board of Review"; in lines 4 and 5, strike "under the jurisdiction of the" and substitute "by"; and in line 5, after "Commission" insert "or the Patuxent Institution Board of Review under certain circumstances; providing for the application of this Act".

AMENDMENT NO. 2

On page 1, after line 6, insert:

"BY renumbering

Article - Correctional Services
Section 4-305(c) through (f), respectively
to be Section 4-305(d) through (g), respectively
Annotated Code of Maryland
(1999 Volume)";

in line 9, strike "4-305(b) and 7-301(d)" and substitute "4-205(d)"; and after line 11, insert:

"BY repealing and reenacting, without amendments,

Article - Correctional Services
Section 4-305(b) and 7-301(d)
Annotated Code of Maryland
(1999 Volume)

BY adding to

Article - Correctional Services
Section 4-305(c) and 7-301(e)

(Over)

Annotated Code of Maryland
(1999 Volume)”;

in line 13, after “MARYLAND,” insert “That Section(s) 4-305(c) through (f), respectively, of Article - Correctional Services of the Annotated Code of Maryland be renumbered to be Section(s) 4-305(d) through (g), respectively.

SECTION 2. AND BE IT FURTHER ENACTED.”.

AMENDMENT NO. 3

On page 1, after line 14, insert:

“4-205.

(d) (1) Seven members of the Board of Review, including at least three public members, constitute a quorum.

(2) (i) Except as provided in [subparagraph (ii)] SUBPARAGRAPHS (II) AND (III) of this paragraph, each action of the Board of Review requires the approval of 5 members.

(ii) A decision to grant parole, work release, or leave to an eligible person requires the approval of seven members of the Board of Review.

(III) A DECISION TO GRANT PAROLE UNDER § 4-305(C) OF THIS TITLE TO AN ELIGIBLE PERSON SERVING A LIFE SENTENCE REQUIRES THE UNANIMOUS APPROVAL OF ALL MEMBERS OF THE BOARD OF REVIEW.”;

in lines 26 and 27, strike both brackets; after line 27, insert:

“(C) (1) THIS SUBSECTION DOES NOT APPLY TO AN INMATE WHO HAS BEEN SENTENCED TO IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER ARTICLE 27, § 412 OR § 413 OF THE CODE.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, AN INMATE WHO IS SERVING A TERM OF LIFE IMPRISONMENT IS ELIGIBLE FOR PAROLE IF:

(I) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, THE INMATE HAS SERVED 25 YEARS; OR

2. THE INMATE IS SERVING A TERM OF LIFE IMPRISONMENT AS A RESULT OF A PROCEEDING UNDER ARTICLE 27, § 413 OF THE CODE, THE INMATE HAS SERVED 35 YEARS; AND

(II) ALL OF THE MEMBERS OF THE BOARD OF REVIEW UNANIMOUSLY APPROVE THE PAROLE.”.

On page 2, in lines 18 and 19, in each instance, strike the bracket; and after line 19, insert:

“(E) (1) THIS SUBSECTION DOES NOT APPLY TO AN INMATE WHO HAS BEEN SENTENCED TO IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER ARTICLE 27, § 412 OR § 413 OF THE CODE.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, AN INMATE WHO IS SERVING A TERM OF LIFE IMPRISONMENT IS ELIGIBLE FOR PAROLE IF:

(I) 1. EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, THE INMATE HAS SERVED 25 YEARS; OR

2. THE INMATE IS SERVING A TERM OF LIFE IMPRISONMENT AS A RESULT OF A PROCEEDING UNDER ARTICLE 27, § 413 OF THE CODE, THE INMATE HAS SERVED 35 YEARS; AND

(II) ALL OF THE COMMISSIONERS UNANIMOUSLY APPROVE THE PAROLE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply both to inmates currently incarcerated on and inmates incarcerated after the effective date of this

(Over)

Act.”;

and in line 20, strike “2.” and substitute “4.”.