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By: **Delegates Morhaim and Owings**  
Introduced and read first time: January 19, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Power of Governor to Commute a Sentence, Grant a**  
3 **Pardon, or Remit a Sentence - Required Notification**

4 FOR the purpose of requiring the Governor to notify certain persons within a certain  
5 time period and request each to provide certain comments to the Governor  
6 before granting a commutation of sentence, pardon, or remission of sentence;  
7 and generally relating to the power of the Governor to commute a sentence,  
8 grant a pardon, or remit a sentence.

9 BY repealing and reenacting, with amendments,  
10 Article - Correctional Services  
11 Section 7-601  
12 Annotated Code of Maryland  
13 (1999 Volume and 2003 Supplement)

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

16 **Article - Correctional Services**

17 7-601.

18 (a) On giving the notice required by the Constitution, the Governor may:

19 (1) commute or change a sentence of death into a period of confinement  
20 that the Governor considers expedient;

21 (2) pardon an individual convicted of a crime subject to any conditions  
22 the Governor requires; or

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

25 (B) AT LEAST 60 DAYS BEFORE GRANTING A COMMUTATION OF SENTENCE,  
26 PARDON, OR REMISSION OF SENTENCE, THE GOVERNOR SHALL NOTIFY AND

1 REQUEST WRITTEN COMMENTS ABOUT THE PROPOSED COMMUTATION OF  
2 SENTENCE, PARDON, OR REMISSION OF SENTENCE FROM:

3 (1) AS DEFINED UNDER § 7-805 OF THIS ARTICLE, THE VICTIM OF THE  
4 CRIME OF WHICH THE DEFENDANT WAS CONVICTED;

5 (2) THE STATE'S ATTORNEY WHO PROSECUTED THE DEFENDANT; AND

6 (3) THE PRIMARY LAW ENFORCEMENT OFFICER INVOLVED IN THE  
7 ARREST OF THE DEFENDANT.

8 [(b)] (C) (1) A pardon or commutation of sentence shall be evidenced by a  
9 written executive order signed by the Governor under the great seal.

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2004.