
By: **Delegate C. Davis**

Introduced and read first time: January 28, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Life Imprisonment - Grant of Parole**

3 FOR the purpose of providing that certain inmates serving sentences of imprisonment
4 with the possibility of parole may be paroled if they have earned a certain
5 minimum number of diminution credits and the parole is granted by a majority
6 of the Board of Review for the Patuxent Institution or a majority of the
7 Maryland Parole Commission; repealing a provision requiring that the approval
8 of the Governor be obtained before certain inmates may be paroled; and
9 generally relating to parole and inmates who are sentenced to life imprisonment
10 with the possibility of parole.

11 BY repealing and reenacting, without amendments,
12 Article - Correctional Services
13 Section 4-101(a), (b), and (g) and 7-101(a) and (b)
14 Annotated Code of Maryland
15 (1999 Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Correctional Services
18 Section 4-305(b) and 7-301(d)
19 Annotated Code of Maryland
20 (1999 Volume and 2004 Supplement)

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

23 **Article - Correctional Services**

24 4-101.

25 (a) In this title the following words have the meanings indicated.

26 (b) "Board of Review" means the institutional Board of Review created under
27 § 4-205 of this title.

1 (g) "Institution" means the Patuxent Institution.

2 4-305.

3 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
4 sentenced to life imprisonment is not eligible for parole consideration until the inmate
5 has served 15 years or the equivalent of 15 years when considering allowances for
6 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7
7 of this article and § 6-218 of the Criminal Procedure Article.

8 (2) An inmate sentenced to life imprisonment as a result of a proceeding
9 under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for parole
10 consideration until the inmate has served 25 years or the equivalent of 25 years when
11 considering allowances for diminution of the inmate's period of confinement as
12 provided under Title 3, Subtitle 7 of this article and § 6-218 of the Criminal
13 Procedure Article.

14 (3) An eligible person who is serving a term of life imprisonment may be
15 paroled only [with the Governor's approval] IF:

16 (I) THE ELIGIBLE PERSON HAS EARNED AT LEAST 1,500
17 DIMINUTION CREDITS; AND

18 (II) A MAJORITY OF THE BOARD OF REVIEW GRANTS THE PAROLE.

19 7-101.

20 (a) In this title the following words have the meanings indicated.

21 (b) "Commission" means the Maryland Parole Commission.

22 7-301.

23 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
24 inmate who has been sentenced to life imprisonment is not eligible for parole
25 consideration until the inmate has served 15 years or the equivalent of 15 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 (2) An inmate who has been sentenced to life imprisonment as a result of
29 a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
30 parole consideration until the inmate has served 25 years or the equivalent of 25
31 years considering the allowances for diminution of the inmate's term of confinement
32 under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

3 (4) If eligible for parole under this subsection, an inmate serving a term
4 of life imprisonment may only be paroled [with the approval of the Governor] IF:

5 (I) THE INMATE HAS EARNED AT LEAST 1,500 DIMINUTION
6 CREDITS; AND

7 (II) A MAJORITY OF THE COMMISSION GRANTS THE PAROLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.