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By: **Delegate Trueschler**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Parole**

3 FOR the purpose of altering the portion of a sentence that must be served before  
4 persons convicted of certain violent crimes can be paroled; altering the portion of  
5 a sentence that must be served before persons convicted of certain violent crimes  
6 can receive a certain administrative review; providing for the application of this  
7 Act; and generally relating to parole and crimes of violence.

8 BY repealing and reenacting, with amendments,  
9 Article - Correctional Services  
10 Section 7-301  
11 Annotated Code of Maryland  
12 (1999 Volume and 2005 Supplement)

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

15 **Article - Correctional Services**

16 7-301.

17 (a) (1) Except as otherwise provided in this section, the Commission shall  
18 request that the Division of Parole and Probation make an investigation for inmates  
19 in a local correctional facility and the Division of Correction make an investigation for  
20 inmates in a State correctional facility that will enable the Commission to determine  
21 the advisability of granting parole to an inmate who:

22 (i) has been sentenced under the laws of the State to serve a term  
23 of 6 months or more in a correctional facility; and

24 (ii) has served in confinement one-fourth of the inmate's aggregate  
25 sentence.

26 (2) Except as provided in paragraph (3) of this subsection, or as  
27 otherwise provided by law or in a predetermined parole release agreement, an inmate

1 is not eligible for parole until the inmate has served in confinement one-fourth of the  
2 inmate's aggregate sentence.

3 (3) An inmate may be released on parole at any time in order to undergo  
4 drug or alcohol treatment if the inmate:

5 (i) is not serving a sentence for a crime of violence, as defined in §  
6 14-101 of the Criminal Law Article;

7 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §  
8 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the  
9 Criminal Law Article; and

10 (iii) has been determined to be amenable to drug or alcohol  
11 treatment.

12 (b) Except as provided in subsection (c) of this section, if an inmate has been  
13 sentenced to a term of imprisonment during which the inmate is eligible for parole  
14 and a term of imprisonment during which the inmate is not eligible for parole, the  
15 inmate is not eligible for parole consideration under subsection (a) of this section until  
16 the inmate has served the greater of:

17 (1) one-fourth of the inmate's aggregate sentence; or

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

20 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an  
21 inmate who has been sentenced to the Division of Correction after being convicted of  
22 a violent crime [committed on or after October 1, 1994,]:

23 1. COMMITTED FROM OCTOBER 1, 1994, TO SEPTEMBER 30,  
24 2006, BOTH INCLUSIVE, is not eligible for parole until the inmate has served the  
25 greater of:

26 [1.] A. one-half of the inmate's aggregate sentence for  
27 violent crimes; or

28 [2.] B. one-fourth of the inmate's total aggregate sentence;  
29 OR

30 2. COMMITTED ON OR AFTER OCTOBER 1, 2006, IS NOT  
31 ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED THE GREATER OF:

32 A. TWO-THIRDS OF THE INMATE'S AGGREGATE SENTENCE  
33 FOR VIOLENT CRIMES; OR

34 B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE  
35 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,]:

3 1. COMMITTED FROM OCTOBER 1, 1994, TO SEPTEMBER 30,  
4 2006, BOTH INCLUSIVE, and who has been sentenced to more than one term of  
5 imprisonment, including a term during which the inmate is eligible for parole and a  
6 term during which the inmate is not eligible for parole, is not eligible for parole until  
7 the inmate has served the greater of:

8 [1.] A. one-half of the inmate's aggregate sentence for  
9 violent crimes;

10 [2.] B. one-fourth of the inmate's total aggregate sentence;  
11 or

12 [3.] C. a period equal to the term during which the inmate is  
13 not eligible for parole; OR

14 2. COMMITTED ON OR AFTER OCTOBER 1, 2006, AND WHO  
15 HAS BEEN SENTENCED TO MORE THAN ONE TERM OF IMPRISONMENT, INCLUDING A  
16 TERM DURING WHICH THE INMATE IS ELIGIBLE FOR PAROLE AND A TERM DURING  
17 WHICH THE INMATE IS NOT ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE  
18 UNTIL THE INMATE HAS SERVED THE GREATER OF:

19 A. TWO-THIRDS OF THE INMATE'S AGGREGATE SENTENCE  
20 FOR VIOLENT CRIMES;

21 B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE  
22 SENTENCE; OR

23 C. A PERIOD EQUAL TO THE TERM DURING WHICH THE  
24 INMATE IS NOT ELIGIBLE FOR PAROLE.

25 (2) (I) An inmate who is serving a term of imprisonment for a violent  
26 crime committed [on or after] FROM October 1, 1994, TO SEPTEMBER 30, 2006, BOTH  
27 INCLUSIVE, shall receive an administrative review of the inmate's progress in the  
28 correctional facility after the inmate has served the greater of:

29 [(i)] 1. one-fourth of the inmate's aggregate sentence; or

30 [(ii)] 2. if the inmate is serving a term of imprisonment that  
31 includes a mandatory term during which the inmate is not eligible for parole, a period  
32 equal to the term during which the inmate is not eligible for parole.

33 (II) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A  
34 VIOLENT CRIME COMMITTED ON OR AFTER OCTOBER 1, 2006, SHALL RECEIVE AN  
35 ADMINISTRATIVE REVIEW OF THE INMATE'S PROGRESS IN THE CORRECTIONAL  
36 FACILITY AFTER THE INMATE HAS SERVED THE GREATER OF:

37 1. ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE; OR

