

HOUSE BILL 302

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11r2059
CF SB 172

By: **Delegates Anderson, Glenn, Ivey, and Oaks**

Introduced and read first time: February 2, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2011

CHAPTER _____

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Approval**

3 FOR the purpose of ~~repealing certain provisions that provide that inmates serving a~~
4 ~~term of life imprisonment may be paroled only with the Governor's approval,~~
5 requiring certain parole decisions to be transmitted to the Governor under
6 certain circumstances; authorizing the Governor to disapprove certain parole
7 decisions in a certain manner; providing that if the Governor does not
8 disapprove a certain parole decision in a certain manner within a certain time
9 period, the decision becomes effective; and generally relating to sentences of life
10 imprisonment.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 4–305(b) and 7–301(d)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2010 Supplement)

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

18 **Article – Correctional Services**

19 4–305.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

12 ~~¶~~(3) ~~Am~~ SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN
13 eligible person who is serving a term of life imprisonment may be paroled only with
14 the Governor's approval.‡

15 (4) (I) IF THE BOARD OF REVIEW DECIDES TO GRANT PAROLE
16 TO AN ELIGIBLE PERSON SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED
17 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS,
18 AND THE SECRETARY APPROVES THE DECISION, THE DECISION SHALL BE
19 TRANSMITTED TO THE GOVERNOR.

20 (II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY
21 WRITTEN TRANSMITTAL TO THE BOARD OF REVIEW.

22 (III) IF THE GOVERNOR DOES NOT DISAPPROVE THE
23 DECISION WITHIN 90 DAYS AFTER RECEIPT, THE DECISION BECOMES
24 EFFECTIVE.

25 7–301.

26 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
27 inmate who has been sentenced to life imprisonment is not eligible for parole
28 consideration until the inmate has served 15 years or the equivalent of 15 years
29 considering the allowances for diminution of the inmate's term of confinement under §
30 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

31 (2) An inmate who has been sentenced to life imprisonment as a result
32 of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
33 parole consideration until the inmate has served 25 years or the equivalent of 25 years
34 considering the allowances for diminution of the inmate's term of confinement under §
35 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

36 (3) (i) If an inmate has been sentenced to imprisonment for life
37 without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law Article,

1 the inmate is not eligible for parole consideration and may not be granted parole at
2 any time during the inmate’s sentence.

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

5 ~~¶(4) ¶~~ **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF**
6 eligible for parole under this subsection, an inmate serving a term of life imprisonment
7 may only be paroled with the approval of the Governor.¶

8 **(5) (I) IF THE COMMISSION DECIDES TO GRANT PAROLE TO AN**
9 **INMATE SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS**
10 **WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, THE**
11 **DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.**

12 **(II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY**
13 **WRITTEN TRANSMITTAL TO THE COMMISSION.**

14 **(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE**
15 **DECISION WITHIN 90 DAYS AFTER RECEIPT, THE DECISION BECOMES**
16 **EFFECTIVE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That, if the Governor does not,
18 within 90 days after the effective date of this Act, by written transmittal to the
19 Patuxent Institution Board of Review or the Maryland Parole Commission, as
20 appropriate, disapprove parole for an individual sentenced to life imprisonment who
21 has served 25 years without application of diminution of confinement credits and
22 whose parole decision is pending gubernatorial approval as of the effective date of this
23 Act, the parole decision becomes effective.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.