

Chapter 623

(House Bill 302)

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

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

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

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

Article – Correctional Services

4–305.

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

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

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

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

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

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN ~~90~~ 180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.

7-301.

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

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

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

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

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

(5) (I) IF THE COMMISSION DECIDES TO GRANT PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS

WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.

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

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN ~~90~~ 180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the Governor does not, within ~~90~~ 180 days after the effective date of this Act, by written transmittal to the Patuxent Institution Board of Review or the Maryland Parole Commission, as appropriate, disapprove parole for an individual sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits and whose parole decision is pending gubernatorial approval as of the effective date of this Act, the parole decision becomes effective.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2011.