

SENATE BILL 953

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CF HB 388

By: **Senator Gladden**

Introduced and read first time: February 6, 2014

Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

FOR the purpose of providing that, if eligible for parole under certain provisions of law, a certain eligible person or inmate who is serving a sentence of life imprisonment based on a conviction under a certain provision of law involving circumstances in which the eligible person or inmate was not a principal in the first degree to the crime may be paroled without the approval of the Governor; providing that the Board of Review for the Patuxent Institution or the Maryland Parole Commission shall make a certain determination by a preponderance of the evidence; providing that a certain eligible person or inmate who is eligible for parole and is serving a sentence of life imprisonment based on the person's conviction of an act committed while a minor may be paroled without the approval of the Governor; 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 2013 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 former § 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) Subject to [paragraph (4)] **PARAGRAPHS (4), (5), AND (6)** 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 180 days after receipt, the decision becomes effective.

(5) (I) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE IMPRISONMENT BASED ON A CONVICTION UNDER § 2-201(A)(4) OF THE CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN WHICH THE PERSON WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.

(II) THE BOARD OF REVIEW SHALL MAKE THE DETERMINATION OF WHETHER THE ELIGIBLE PERSON WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME BY A PREPONDERANCE OF THE EVIDENCE.

(6) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE IMPRISONMENT BASED ON THE PERSON'S CONVICTION OF AN ACT COMMITTED WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.

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 former § 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) Subject to [paragraph (5)] **PARAGRAPHS (5), (6), AND (7)** 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 180 days after receipt, the decision becomes effective.

(6) (I) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS SERVING A TERM OF LIFE IMPRISONMENT BASED ON A CONVICTION UNDER § 2–201(A)(4) OF THE CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN WHICH THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.

(II) THE COMMISSION SHALL MAKE THE DETERMINATION OF WHETHER THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME BY A PREPONDERANCE OF THE EVIDENCE.

(7) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS SERVING A TERM OF LIFE IMPRISONMENT BASED ON THE INMATE’S CONVICTION OF AN ACT COMMITTED WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.