

SENATE BILL 111

E2

5lr1208
CF 5lr1396

By: **Senators McFadden, Gladden, Kelley, and Muse**

Introduced and read first time: January 26, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Reform**

3 FOR the purpose of repealing certain provisions that provide that inmates serving a term
4 of life imprisonment may be paroled only with the Governor's approval, subject to
5 certain provisions; requiring certain parole decisions to be transmitted to the
6 Governor under certain circumstances; authorizing the Governor to disapprove
7 certain parole 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 period,
9 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 2014 Supplement)

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

18 **Article – Correctional Services**

19 4–305.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 [(3) Subject to paragraph (4) of this subsection, an eligible person who is
7 serving a term of life imprisonment may be paroled only with the Governor’s approval.

8 (4) (i) If the Board of Review decides to grant parole to an eligible
9 person sentenced to life imprisonment who has served 25 years without application of
10 diminution of confinement credits, and the Secretary approves the decision, the decision
11 shall be transmitted to the Governor.

12 (ii) The Governor may disapprove the decision by written
13 transmittal to the Board of Review.

14 (iii) If the Governor does not disapprove the decision within 180 days
15 after receipt, the decision becomes effective.]

16 7–301.

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

22 (2) An inmate who has been sentenced to life imprisonment as a result of
23 a proceeding under former § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
24 parole consideration until the inmate has served 25 years or the equivalent of 25 years
25 considering the allowances for diminution of the inmate’s term of confinement under §
26 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

33 [(4) Subject to paragraph (5) of this subsection, if eligible for parole under
34 this subsection, an inmate serving a term of life imprisonment may only be paroled with
35 the approval of the Governor.

1 (5) (i) If the Commission decides to grant parole to an inmate sentenced
2 to life imprisonment who has served 25 years without application of diminution of
3 confinement credits, the decision shall be transmitted to the Governor.

4 (ii) The Governor may disapprove the decision by written
5 transmittal to the Commission.

6 (iii) If the Governor does not disapprove the decision within 180 days
7 after receipt, the decision becomes effective.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2015.