

SENATE BILL 249

E2
HB 723/17 – JUD

8lr2090

By: **Senators Kelley, McFadden, Astle, Benson, Conway, Currie, Lee, Muse,
Nathan–Pulliam, Robinson, Smith, and Young**

Introduced and read first time: January 19, 2018

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; repealing certain provisions that require certain parole decisions
6 to be transmitted to the Governor under certain circumstances; repealing certain
7 provisions that authorize the Governor to disapprove certain parole decisions in a
8 certain manner; repealing certain provisions that provide that if the Governor does
9 not disapprove a certain parole decision in a certain manner within a certain time
10 period, the decision becomes effective; making stylistic changes; making a technical
11 correction; and generally relating to sentences of life imprisonment.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 4–305(b) and 7–301(d)
15 Annotated Code of Maryland
16 (2017 Replacement Volume)

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

19 **Article – Correctional Services**

20 4–305.

21 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
22 sentenced to life imprisonment is not eligible for parole consideration until the inmate has
23 served 15 years or the equivalent of 15 years when considering allowances for diminution
24 of the inmate’s period of confinement as provided under Title 3, Subtitle 7 of this article
25 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 (**DEATH PENALTY**) or § 2-304 (**IMPRISONMENT FOR LIFE**
3 **WITHOUT THE POSSIBILITY OF PAROLE**) of the Criminal Law Article is not eligible for
4 parole consideration until the inmate has served 25 years or the equivalent of 25 years
5 when considering allowances for diminution of the inmate's period of confinement as
6 provided under Title 3, Subtitle 7 of this article and § 6-218 of the Criminal Procedure
7 Article.

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

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

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

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

18 7-301.

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

24 (2) An inmate who has been sentenced to life imprisonment as a result of
25 a proceeding under former § 2-303 (**DEATH PENALTY**) or § 2-304 (**IMPRISONMENT FOR**
26 **LIFE WITHOUT THE POSSIBILITY OF PAROLE**) of the Criminal Law Article is not eligible
27 for parole consideration until the inmate has served 25 years or the equivalent of 25 years
28 considering the allowances for diminution of the inmate's term of confinement under §
29 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

30 (3) (i) If an inmate has been sentenced to imprisonment for life without
31 the possibility of parole under § [2-203] **2-303** or § 2-304 of the Criminal Law Article, the
32 inmate is not eligible for parole consideration and may not be granted parole at any time
33 during the inmate's sentence.

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

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

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

7 (ii) The Governor may disapprove the decision by written
8 transmittal to the Commission.

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2018.