SENATE BILL 36

By: Senator Hough
Requested: August 12, 2019
Introduced and read first time: January 8, 2020
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Correctional Services – Eligibility for Parole – Life Imprisonment

FOR the purpose of altering the amount of time that a certain inmate who has been sentenced to life imprisonment must serve before becoming eligible for parole consideration; and generally relating to eligibility for parole.

BY repealing and reenacting, with amendments,

Article – Correctional Services
Section 7–301(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

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

Article – Correctional Services

7–301.

(d)  (1)  Except as provided in paragraphs (2) and (3) of this subsection[,]:

(I)  an inmate who has been sentenced to life imprisonment AFTER BEING CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2020, 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; AND

(II)  AN INMATE WHO HAS BEEN SENTENCED TO LIFE IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER

(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) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.