

SENATE BILL 202

E2
SB 817/20 – JPR

(PRE-FILED)

11r0556

By: **Senators Kelley, Carter, Smith, and Waldstreicher**

Requested: August 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Parole – Life Imprisonment**

3 FOR the purpose of altering the time period that certain inmates sentenced to life
4 imprisonment must serve before becoming eligible for parole consideration;
5 repealing certain provisions that provide that inmates serving a term of life
6 imprisonment may be paroled only with the Governor’s approval, subject to certain
7 provisions; repealing certain provisions that require certain parole decisions to be
8 transmitted to the Governor under certain circumstances; repealing certain
9 provisions that authorize the Governor to disapprove certain parole decisions in a
10 certain manner; repealing certain provisions that provide that if the Governor does
11 not disapprove a certain parole decision in a certain manner within a certain time
12 period, the decision becomes effective; and generally relating to parole.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 4–305(b) and 7–301(d)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2020 Supplement)

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

Article – Correctional Services

20 4–305.

22 (b) (1) Except as provided in paragraph (2) of this subsection[,]:

23 (I) an inmate sentenced to life imprisonment **AFTER BEING**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible for
2 parole consideration until the inmate has served 15 years or the equivalent of 15 years
3 when considering allowances for diminution of the inmate's period of confinement as
4 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure
5 Article; **AND**

6 **(II) AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
7 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
8 **OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
9 **INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS WHEN**
10 **CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE'S PERIOD OF**
11 **CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND §**
12 **6–218 OF THE CRIMINAL PROCEDURE ARTICLE.**

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

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

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

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

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

28 7–301.

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

30 **(I) an inmate who has been sentenced to life imprisonment AFTER**
31 **BEING CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible
32 for parole consideration until the inmate has served 15 years or the equivalent of 15 years
33 considering the allowances for diminution of the inmate's term of confinement under §
34 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article; **AND**

35 **(II) AN INMATE WHO HAS BEEN SENTENCED TO LIFE**

1 IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER
2 OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE
3 INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS CONSIDERING THE
4 ALLOWANCES FOR DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT UNDER §
5 6-218 OF THE CRIMINAL PROCEDURE ARTICLE AND TITLE 3, SUBTITLE 7 OF THIS
6 ARTICLE.

7 (2) An inmate who has been sentenced to life imprisonment as a result of
8 a proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
9 parole consideration until the inmate has served 25 years or the equivalent of 25 years
10 considering the allowances for diminution of the inmate's term of confinement under §
11 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

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

24 (ii) The Governor may disapprove the decision by written
25 transmittal to the Commission.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.