

# SENATE BILL 498

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SB 817/20 – JPR

1lr0652

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By: **Senator Kelley**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

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## 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:

### 20 **Article – Correctional Services**

21 4–305.

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

23 (I) an inmate sentenced to life imprisonment **AFTER BEING**  
24 **CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible for

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 parole consideration until the inmate has served 15 years or the equivalent of 15 years  
 2 when considering allowances for diminution of the inmate's period of confinement as  
 3 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure  
 4 Article; AND

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

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

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

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

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

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

27 7–301.

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

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

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

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

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

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

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

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

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

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

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

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