
By: Delegate Muse

Introduced and read first time: February 7, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Parole - Eligibility**

3 FOR the purpose of making a person who has been convicted a third time of a crime of
4 violence subject to a mandatory sentence of life imprisonment without the
5 possibility of parole; making a person who has been convicted a second time of a
6 crime of violence not eligible for parole except under certain circumstances;
7 requiring a person to obtain a certain degree or successfully complete a certain
8 program to become eligible for parole; making a certain stylistic change; providing
9 for the application of this Act; and generally relating to parole eligibility.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 643B
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article 41 - Governor - Executive and Administrative Departments
17 Section 4-516(a)
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 41 - Governor - Executive and Administrative Departments
22 Section 4-516(b)
23 Annotated Code of Maryland
24 (1993 Replacement Volume and 1995 Supplement)

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

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1 **Article 27 - Crimes and Punishments**

2 643B.

3 (a) As used in this section, the term "crime of violence" means abduction; arson
4 in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem
5 and maiming under §§ 384, 385, and 386 of this article; murder; rape; robbery; robbery
6 with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree;
7 sexual offense in the second degree; use of a handgun in the commission of a felony or
8 other crime of violence; an attempt to commit any of the aforesaid offenses; assault with
9 intent to murder; assault with intent to rape; assault with intent to rob; assault with intent
10 to commit a sexual offense in the first degree; and assault with intent to commit a sexual
11 offense in the second degree.

12 The term "correctional institution" includes Patuxent Institution and a local or
13 regional jail or detention center.

14 (b) Except as provided in subsections (f) and (g) of this section, any person who
15 has served [three] TWO separate terms of confinement in a correctional institution as a
16 result of [three] TWO separate convictions of any crime of violence shall be sentenced,
17 on being convicted a [fourth] THIRD time of a crime of violence, to life imprisonment
18 without the possibility of parole. Regardless of any other law to the contrary, the
19 provisions of this subsection are mandatory.

20 (c) Except as provided in subsections (f) and (g) of this section, any person who
21 (1) has been convicted on two separate occasions of a crime of violence where the
22 convictions do not arise from a single incident, and (2) has served at least one term of
23 confinement in a correctional institution as a result of a conviction of a crime of violence,
24 shall be sentenced, on being convicted a third time of a crime of violence, to
25 imprisonment for the term allowed by law, but, in any event, not less than 25 years. The
26 court may not suspend all or part of the mandatory 25-year sentence required under this
27 subsection, and the person [shall] MAY not be eligible for parole except in accordance
28 with the provisions of Article 31B, § 11. A separate occasion shall be considered one in
29 which the second or succeeding offense is committed after there has been a charging
30 document filed for the preceding occasion.

31 (d) Except as provided in subsection (g) of this section, any person who has been
32 convicted on a prior occasion of a crime of violence, including a conviction for an offense
33 committed before October 1, 1994, and has served a term of confinement in a correctional
34 institution for that conviction shall be sentenced, on being convicted a second time of a
35 crime of violence committed on or after October 1, 1994, to imprisonment for the term
36 allowed by law, but, in any event, not less than 10 years. The court may not suspend all or
37 part of the mandatory 10-year sentence required under this subsection, AND THE
38 PERSON MAY NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE
39 PROVISIONS OF ARTICLE 31B, § 11.

40 (e) If the State intends to proceed against a person as a subsequent offender
41 under this section, it shall comply with the procedures set forth in the Maryland Rules for
42 the indictment and trial of a subsequent offender.

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1 (f) (1) Any person sentenced under the provisions of this section who is at least
2 65 years old and has served at least 15 years of the sentence imposed may petition for and
3 be granted parole.

4 (2) The Maryland Parole Commission shall adopt regulations to implement
5 the provisions of this subsection.

6 (g) If a person is sentenced to death, the provisions of this section do not apply.

7 **Article 41 - Governor - Executive and Administrative Departments**

8 4-516.

9 (a) It shall be the duty of the Commission of its own initiative to request the
10 Division to make such investigation as may enable the Commission to determine the
11 advisability of granting parole to persons sentenced to a term of 6 months or more under
12 the laws of this State to the jurisdiction of the Division of Correction, or to any other
13 place of confinement or detention of violators of the criminal laws of the State whenever
14 the prisoner shall have served in confinement one-fourth of the term or consecutive
15 terms.

16 (b) (1) TO BE ELIGIBLE FOR PAROLE CONSIDERATION UNDER SUBSECTION
17 (A) OF THIS SECTION, A PERSON MUST EARN A HIGH SCHOOL DEGREE OR A HIGH
18 SCHOOL EQUIVALENCY DEGREE OR SUCCESSFULLY COMPLETE A
19 VOCATIONAL-TECHNICAL EDUCATION PROGRAM.

20 (2) A person who has been sentenced to more than one term of
21 confinement, including a term during which the person is eligible for parole and a term
22 during which the person is not eligible for parole, is not eligible for parole consideration
23 under subsection (a) of this section until the person has served the greater of:

24 [(1)] (I) One-fourth of the aggregate terms sentenced; or

25 [(2)] (II) A period of time equal to the term during which the person is not
26 eligible for parole.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
28 only prospectively and may not be applied or interpreted to have any effect on or
29 application to any criminal offenses commenced before the effective date of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.