
By: **Delegates C. Davis, Mariott, Mitchell, and Oaks**
Introduced and read first time: February 11, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Parole - Life Sentences - Governor's Approval**

3 FOR the purpose of providing that certain persons serving sentences of life
4 imprisonment may be paroled without the approval of the Governor under
5 certain circumstances; making stylistic changes; providing for the termination
6 of this Act; and generally relating to parole for certain persons serving sentences
7 of life imprisonment.

8 BY repealing and reenacting, with amendments,
9 Article 31B - Patuxent Institution
10 Section 11(b)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 4-516(d)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1997 Supplement)

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

20 **Article 31B - Patuxent Institution**

21 11.

22 (b) After transfer of a person to the Institution for treatment as an eligible
23 person but prior to the expiration of the person's sentence, the board of review, upon
24 review of the person may take the following action:

25 (1) If the board of review concludes that the person is no longer an
26 eligible person but should remain confined until released on parole in accordance
27 with normal Parole Commission standards or expiration of sentence or the inmate
28 requests a transfer in writing, the director shall notify the Commissioner and send

1 him a copy of the evaluation team's report. Within 90 days after that notice, the
2 person shall be delivered to the appropriate correctional facility designated by the
3 Commissioner. This transfer shall not affect any right to parole consideration that the
4 person may then have.

5 (2) If the board of review concludes that (i) it will not impose an
6 unreasonable risk on society; and (ii) it will assist in the remediation of the eligible
7 person, it may grant a parole from the Institution for a period not exceeding one year.

8 (3) Except as provided in paragraph (4) of this subsection, a person who
9 has been sentenced to life imprisonment is not eligible for parole consideration until
10 the person has served 15 years or the equal of 15 years when considering allowances
11 for diminution of the period of confinement provided for in Article 27, §§ 638C and 700
12 of the Code.

13 (4) A person who has been sentenced to life imprisonment as a result of
14 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
15 person has served 25 years or the equal of 25 years when considering the allowances
16 for diminution of the period of confinement provided for in Article 27, §§ 638C and 700
17 of the Code.

18 (5) (I) An eligible person who is serving a term of life imprisonment
19 shall only be paroled with the approval of the Governor.

20 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH, AN ELIGIBLE PERSON MAY BE PAROLED WITHOUT THE APPROVAL
22 OF THE GOVERNOR IF THE PERSON HAS SERVED AT LEAST 20 YEARS OR THE EQUAL
23 OF 20 YEARS WHEN CONSIDERING THE ALLOWANCES FOR DIMINUTION OF THE
24 PERIOD OF CONFINEMENT PROVIDED FOR IN ARTICLE 27, §§ 638C AND 700 OF THE
25 CODE.

26 (6) The board of review may attach reasonable conditions to the parole,
27 at any time make reasonable and appropriate modifications of these conditions, and
28 revoke the parole if it finds that the person has violated a condition of the parole. The
29 board of review shall review the person's status prior to the expiration of the parole
30 period, and may extend the parole.

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

32 4-516.

33 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
34 person who has been sentenced to life imprisonment is not eligible for parole
35 consideration until the person has served 15 years or the equal of 15 years when
36 considering the allowances for diminution of THE period of confinement provided for
37 in Article 27, [§ 700 and Article 27, § 638C,] §§ 638C AND 700 of the Code.

38 (2) A person who has been sentenced to life imprisonment as a result of
39 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
40 person has served 25 years or the equal of 25 years when considering the allowances

1 for diminution of THE period of confinement provided for in Article 27, [§ 700 and
2 Article 27, § 638C,] §§ 638C AND 700 of the Code.

3 (3) (i) If a person is sentenced to imprisonment for life without the
4 possibility of parole under Article 27, § 412 or § 413 of the Code, the person is not
5 eligible for parole consideration and may not be granted parole at any time during the
6 term of the sentence.

7 (ii) Nothing contained in this paragraph may be construed to
8 restrict the authority of the Governor to pardon or remit any part of a sentence under
9 the provisions of § 4-513 of this article.

10 (4) (I) If eligible for parole under this subsection, an inmate serving a
11 term of life imprisonment and a person serving a term of life imprisonment who is
12 confined at Patuxent Institution as an eligible person shall only be paroled with the
13 approval of the Governor.

14 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
15 THIS PARAGRAPH, AN ELIGIBLE PERSON MAY BE PAROLED WITHOUT THE APPROVAL
16 OF THE GOVERNOR IF THE PERSON HAS SERVED AT LEAST 20 YEARS OR THE EQUAL
17 OF 20 YEARS WHEN CONSIDERING THE ALLOWANCES FOR DIMINUTION OF THE
18 PERIOD OF CONFINEMENT PROVIDED FOR IN ARTICLE 27, §§ 638C AND 700 OF THE
19 CODE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1998. It shall remain effective for a period of 5 years and, at the end of
22 September 30, 2003, with no further action required by the General Assembly, this
23 Act shall be abrogated and of no further force and effect.