
By: **Delegates Kelly and Kach**

Introduced and read first time: February 11, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes and Punishments - Parole Eligibility**

3 FOR the purpose of increasing the time that must be served by certain persons who
4 are convicted of certain nonviolent crimes before becoming eligible for parole
5 consideration by the Parole Commission; increasing the time that must be
6 served by certain persons who are convicted of certain violent crimes before
7 becoming eligible for parole consideration by the Parole Commission; making
8 these same rules relating to parole eligibility applicable to inmates of the
9 Patuxent Institution and parole consideration by the Patuxent Board of Review;
10 making certain conforming changes relating to multiple and consecutive
11 sentences and administrative review; increasing the time that must be served
12 by a person who has been sentenced to life imprisonment before becoming
13 eligible for parole consideration by the Parole Commission or the Patuxent
14 Board of Review under certain circumstances; and generally relating to crimes
15 and punishments and parole eligibility.

16 BY repealing and reenacting, with amendments,
17 Article 41 - Governor - Executive and Administrative Departments
18 Section 4-516
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 31B - Patuxent Institution
23 Section 11
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 1997 Supplement)

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

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

2 4-516.

3 (a) It shall be the duty of the Commission of its own initiative to request the
4 Division to make such investigation as may enable the Commission to determine the
5 advisability of granting parole to persons sentenced to a term of 6 months or more
6 under the laws of this State to the jurisdiction of the Division of Correction, or to any
7 other place of confinement or detention of violators of the criminal laws of the State
8 whenever the prisoner shall have served in confinement [one-fourth] ONE-HALF of
9 the term or consecutive terms.

10 (b) A person who has been sentenced to more than one term of confinement,
11 including a term during which the person is eligible for parole and a term during
12 which the person is not eligible for parole, is not eligible for parole consideration
13 under subsection (a) of this section until the person has served the greater of:

14 (1) [One-fourth] ONE-HALF of the aggregate terms sentenced; or

15 (2) A period of time equal to the term during which the person is not
16 eligible for parole.

17 (c) Notwithstanding the provisions of subsections (a) and (b) of this section:

18 (1) (i) A person who has been sentenced to the Division of Correction
19 after being convicted of a violent crime is not eligible for parole until the person has
20 served [one-half] THREE-FOURTHS of the term or consecutive terms; and

21 (ii) A person who has been sentenced to the Division of Correction
22 after being convicted of a violent crime and who has been sentenced to more than one
23 term of confinement, including a term during which the person is eligible for parole
24 and a term during which the person is not eligible for parole, is not eligible for parole
25 until the person has served the greater of:

26 1. [One-half] THREE-FOURTHS of the aggregate terms
27 sentenced; or

28 2. A period of time equal to the term during which the person
29 is not eligible for parole.

30 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
31 person who is serving a term of confinement for a violent crime shall receive an
32 administrative review of the inmate's progress in the institution after the person has
33 served [one-fourth] ONE-HALF of the term of confinement.

34 (ii) A person who is serving a term of confinement that includes a
35 mandatory term during which the person is not eligible for parole need not be given a
36 review under this paragraph until the person has served the period of confinement
37 during which the person is not eligible for parole.

1 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
2 person who has been sentenced to life imprisonment is not eligible for parole
3 consideration until the person has served [15] 20 years or the equal of [15 years] 20
4 when considering the allowances for diminution of period of confinement provided for
5 in Article 27, § 700 and Article 27, § 638C, of the Code.

6 (2) A person who has been sentenced to life imprisonment as a result of
7 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
8 person has served [25] 30 years or the equal of [25] 30 years when considering the
9 allowances for diminution of period of confinement provided for in Article 27, § 700
10 and Article 27, § 638C, of the Code.

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

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

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

22

Article 31B - Patuxent Institution

23 11.

24 (a) A person confined at the Institution shall be released upon expiration of
25 sentence in the same manner and subject to the same conditions as if the person were
26 being released from a correctional facility. The director shall notify the Commissioner
27 30 days prior to the release.

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

31 (1) If the board of review concludes that the person is no longer an
32 eligible person but should remain confined until released on parole in accordance
33 with normal Parole Commission standards or expiration of sentence or the inmate
34 requests a transfer in writing, the director shall notify the Commissioner and send
35 him a copy of the evaluation team's report. Within 90 days after that notice, the
36 person shall be delivered to the appropriate correctional facility designated by the
37 Commissioner. This transfer shall not affect any right to parole consideration that the
38 person may then have.

39 (2) [If] SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF the board of
40 review concludes that (i) it will not impose an unreasonable risk on society; and (ii) it

1 will assist in the remediation of the eligible person, it may grant a parole from the
2 Institution for a period not exceeding one year.

3 (3) Except as provided in paragraph (4) of this subsection, a person who
4 has been sentenced to life imprisonment is not eligible for parole consideration until
5 the person has served [15]20 years or the equal of [15] 20 years when considering
6 allowances for diminution of the period of confinement provided for in Article 27, §§
7 638C and 700 of the Code.

8 (4) A person who has been sentenced to life imprisonment as a result of
9 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
10 person has served [25] 30 years or the equal of [25] 30 years when considering the
11 allowances for diminution of the period of confinement provided for in Article 27, §§
12 638C and 700 of the Code.

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

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

20 (c) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
21 SUBSECTION, THE BOARD OF REVIEW MAY GRANT PAROLE TO AN ELIGIBLE PERSON
22 UNDER SUBSECTION (B)(2) OF THIS SECTION AFTER THE PERSON HAS SERVED
23 ONE-HALF OF THE PERSON'S TERM OR CONSECUTIVE TERMS.

24 (II) A PERSON WHO HAS BEEN SENTENCED TO MORE THAN ONE
25 TERM OF CONFINEMENT, INCLUDING A TERM DURING WHICH THE PERSON IS
26 ELIGIBLE FOR PAROLE AND A TERM DURING WHICH THE PERSON IS NOT ELIGIBLE
27 FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNDER SUBSECTION
28 (B)(2) OF THIS SECTION UNTIL THE PERSON HAS SERVED THE GREATER OF:

29 1. ONE-HALF OF THE AGGREGATE TERMS SENTENCED; OR

30 2. A PERIOD OF TIME EQUAL TO THE TERM DURING WHICH
31 THE PERSON IS NOT ELIGIBLE FOR PAROLE.

32 (2) (I) AN ELIGIBLE PERSON WHO IS SERVING A SENTENCE FOR A
33 VIOLENT CRIME IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNDER SUBSECTION
34 (B)(2) OF THIS SECTION UNTIL THE PERSON HAS SERVED THREE-FOURTHS OF THE
35 TERM OR CONSECUTIVE TERMS.

36 (II) A PERSON WHO IS SERVING A SENTENCE FOR A VIOLENT CRIME
37 AND HAS BEEN SENTENCED TO MORE THAN ONE TERM OF CONFINEMENT,
38 INCLUDING A TERM DURING WHICH THE PERSON IS ELIGIBLE FOR PAROLE AND A
39 TERM DURING WHICH THE PERSON IS NOT ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE
40 FOR PAROLE UNTIL THE PERSON HAS SERVED THE GREATER OF:

