
By: **Senators Colburn, Baker, Ferguson, Haines, Hogan, Jimeno,
Middlebrooks, and Stone**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Governor - Notice of Commutation, Reprieve, or Pardon**

3 FOR the purpose of requiring the Governor to provide certain notice if the Governor
4 commutes or changes a sentence of death into penal confinement, pardons any
5 person, or remits any part of the time for which a person may be sentenced;
6 requiring the Governor to provide notice by a certain date of the Governor's
7 intention to exercise certain authority in a newspaper of general circulation in
8 the county in which the offense occurred, except for granting a certain reprieve
9 under certain circumstances; requiring the Governor to provide certain notice of
10 the Governor's actions by a certain date to the General Assembly; requiring the
11 Governor to report to the General Assembly within a certain time period on
12 certain petitions, recommendations, and reasons for influencing the decision to
13 exercise certain authority; and generally relating to providing notice if the
14 Governor commutes or changes a sentence of death into penal confinement,
15 pardons any person, or remits any part of the time for which a person may be
16 sentenced.

17 BY repealing and reenacting, with amendments,
18 Article 41 - Governor - Executive and Administrative Departments
19 Section 4-513
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1997 Supplement)

22 Preamble

23 WHEREAS, Article II, § 20 of the Maryland Constitution provides that the
24 Governor "shall have power to grant reprieves and pardons, except in cases of
25 impeachment, and in cases, in which he is prohibited by other Articles of this
26 Constitution; and to remit fines and forfeitures for offences against the State; but
27 shall not remit the principal or interest of any debt due the State, except, in cases of
28 fines and forfeitures; and before granting a nolle prosequi, or pardon, he shall give
29 notice, in one or more newspapers, of the application made for it, and of the day on, or
30 after which, his decision will be given; and in every case, in which he exercises this
31 power, he shall report to either Branch of the Legislature, whenever required, the

1 petitions, recommendations and reasons, which influenced his decision"; now,
2 therefore,

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

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

6 4-513.

7 (A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Governor upon
8 giving the notice required by the Constitution may commute or change any sentence
9 of death into penal confinement for such period as he shall think expedient. And, on
10 giving such a notice, he may pardon any person, convicted of crime, on such conditions
11 as he may prescribe, or he may upon like notice remit any part of the time for which
12 any person may be sentenced to imprisonment on such like conditions without such
13 remission operating as a full pardon to any such person.

14 (B) (1) EXCEPT FOR GRANTING A REPRIEVE FOR THE EXECUTION OF A
15 DEATH PENALTY, AT LEAST 90 DAYS BEFORE THE GOVERNOR EXERCISES AUTHORITY
16 UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE MARYLAND
17 CONSTITUTION, THE GOVERNOR SHALL PROVIDE NOTICE OF THE GOVERNOR'S
18 INTENTION TO EXERCISE THE AUTHORITY IN A NEWSPAPER OF GENERAL
19 CIRCULATION IN THE COUNTY IN WHICH THE OFFENSE OCCURRED.

20 (2) EXCEPT FOR GRANTING A REPRIEVE FOR THE EXECUTION OF A
21 DEATH PENALTY, AT LEAST 10 DAYS BEFORE THE GOVERNOR EXERCISES AUTHORITY
22 UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE MARYLAND
23 CONSTITUTION, THE GOVERNOR SHALL PROVIDE NOTICE OF THE GOVERNOR'S
24 ACTION TO THE GENERAL ASSEMBLY.

25 (3) WITHIN 10 DAYS AFTER THE GOVERNOR EXERCISES AUTHORITY
26 UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE MARYLAND
27 CONSTITUTION, THE GOVERNOR SHALL REPORT TO THE GENERAL ASSEMBLY ON
28 THE PETITIONS, RECOMMENDATIONS, AND REASONS THAT INFLUENCED THE
29 DECISION TO EXERCISE AUTHORITY UNDER SUBSECTION (A) OF THIS SECTION OR
30 ARTICLE II, § 20 OF THE MARYLAND CONSTITUTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1998.