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By: **Senators Madden, Haines, and Jimeno**  
Introduced and read first time: February 6, 1998  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Parole - Violent Crimes - Solicitation of Murder**

3 FOR the purpose of expanding the scope of certain provisions relating to parole and  
4 persons who have been convicted of violent crimes to make them applicable to a  
5 person who has been convicted of the common law crime of solicitation of  
6 murder; amending the definition of a certain term; and generally relating to  
7 parole and solicitation of murder.

8 BY repealing and reenacting, with amendments,  
9 Article 41 - Governor - Executive and Administrative Departments  
10 Section 4-501(12)  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article 41 - Governor - Executive and Administrative Departments  
15 Section 4-504(d), 4-507(c), 4-511(d) and (f), 4-511A(b)(2), and 4-516(a) through  
16 (c)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1997 Supplement)

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

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

22 4-501.

23 In the construction of this subtitle, the following definitions shall conclusively  
24 determine the meaning of the terms used:

25 (12) "Violent crime" means burglary in the first, second, or third degree,  
26 THE COMMON LAW CRIME OF SOLICITATION OF MURDER, and any crime that is listed  
27 as a "crime of violence" under Article 27, § 643B of the Code.

1 4-504.

2 (d) (1) In this subsection, "victim" means a person who suffers personal  
3 physical injury or death as a direct result of a crime or, if the victim is deceased, a  
4 designated family member of the victim.

5 (2) (i) In cases where a defendant is sentenced to the Division of  
6 Correction, if the victim filed a notification request form under Article 27, § 770 of the  
7 Code or if the victim makes a written request to the Department for notification and  
8 maintains a current address on file with the Department, the Department, at least 90  
9 days before the parole release hearing, shall notify the victim or designated  
10 representative in writing, directed to the most current address on file, that a parole  
11 release hearing has been scheduled for the inmate convicted of the commission of the  
12 violent crime.

13 (ii) If the inmate was convicted of a violent crime:

14 1. The victim may submit to the Department, in writing, not  
15 later than 30 days from the date of the Department's notice, a request to require the  
16 Division of Parole and Probation to complete an updated victim impact statement.

17 2. The Division of Parole and Probation shall complete the  
18 updated statement at least 30 days prior to the parole release hearing.

19 3. The Division of Parole and Probation shall promptly send  
20 the updated victim impact statement to the Commission.

21 (iii) At least 30 days before the parole release hearing, the victim  
22 may:

23 1. Make a written recommendation to the Commission on the  
24 advisability of releasing the inmate on parole; and

25 2. Request that an inmate be prohibited from having any  
26 contact with a victim as a condition of parole, mandatory supervision, work release, or  
27 other administrative release.

28 (iv) The Commission shall make the updated victim impact  
29 statement or recommendation available for the inmate's review under § 4-505 of this  
30 subtitle.

31 (v) If an updated victim impact statement or recommendation is  
32 prepared under this subsection, the Commission shall consider the updated victim  
33 impact statement or recommendation at the parole release hearing.

34 (vi) The victim may designate, in writing to the Department, the  
35 name and address of a representative who is a resident of this State to receive notice  
36 for the victim.

37 (3) The victim may request a meeting with a Commission member.

1           (4)     At the parole release hearing for an inmate convicted of the violent  
2 crime, the victim or a designated representative may present oral testimony in a  
3 manner established in regulations adopted by the Commission.

4           (5)     The Department shall promptly notify the victim or the victim's  
5 designated representative of the decision of the Commission regarding parole for the  
6 inmate convicted of the violent crime.

7 4-507.

8       (c)     (1)     If a victim of a violent crime makes a written request for notification  
9 under § 4-504 of this subtitle and also makes a written request within a reasonable  
10 amount of time before a scheduled hearing for the inmate convicted of the violent  
11 crime that the hearing before the Commission or the hearing examiners be open to  
12 the public, the hearing shall be open to the public.

13           (2)     The vote of each member of the Commission when acting collectively  
14 or in panels or the decision of an individual commissioner or hearing examiner on a  
15 formal action, including an action to close or restrict access to a parole hearing under  
16 subsection (e) of this section, shall be made available to the public.

17           (3)     Nothing in this section limits the ability of the Commission to hold a  
18 parole hearing through the use of video conferences or other means of electronic  
19 transmission.

20 4-511.

21       (d)     (1)     Subject to paragraph (2) of this subsection and further action by the  
22 Commission, if the order of parole is revoked, the prisoner shall serve the remainder  
23 of the sentence originally imposed unless the Commission member hearing the parole  
24 revocation, in the member's discretion, grants credit for time between release on  
25 parole and revocation of parole.

26           (2)     A prisoner may not receive credit for time between release on parole  
27 and revocation of parole if:

28                   (i)     At the time that parole was revoked the prisoner was serving a  
29 sentence for a violent crime; and

30                   (ii)    The parole was revoked due to a finding that the prisoner  
31 committed a violent crime while on parole.

32       (f)     If the inmate was convicted of a violent crime and the victim made a  
33 written request for notification under § 4-504 of this subtitle or if a victim filed a  
34 notification request form under Article 27, § 770 of the Code, the Department of  
35 Public Safety and Correctional Services shall notify the victim:

36           (1)     That a warrant or subpoena was issued by the Commission for an  
37 alleged violation of parole;

1           (2)     That an inmate released on parole has been found guilty or not guilty  
2 of violating a condition of parole; and

3           (3)     Of the punishment imposed for the violation.

4 4-511A.

5       (b)     (2)     If the inmate was convicted of a violent crime:

6           (i)     The victim may submit to the Commission a victim impact  
7 statement; and

8           (ii)    The Commission shall make the victim impact statement  
9 available for the inmate's review subject to § 4-505(b)(2) of this subtitle.

10 4-516.

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

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

22           (1)     One-fourth of the aggregate terms sentenced; or

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

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

26           (1)     (i)     A person who has been sentenced to the Division of Correction  
27 after being convicted of a violent crime is not eligible for parole until the person has  
28 served one-half of the term or consecutive terms; and

29           (ii)    A person who has been sentenced to the Division of Correction  
30 after being convicted of a violent crime and who has been sentenced to more than one  
31 term of confinement, including a term during which the person is eligible for parole  
32 and a term during which the person is not eligible for parole, is not eligible for parole  
33 until the person has served the greater of:

34                   1.     One-half of the aggregate terms sentenced; or

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

1                   (2)     (i)       Except as provided in subparagraph (ii) of this paragraph, a  
2 person who is serving a term of confinement for a violent crime shall receive an  
3 administrative review of the inmate's progress in the institution after the person has  
4 served one-fourth of the term of confinement.

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

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