#### By: Delegates J. Kelly, Boutin, Brinkley, Brown, Burns, Cryor, DeCarlo, Donoghue, Eckardt, La Vay, Ports, Shank, and Kirk

Introduced and read first time: February 12, 1999 Assigned to: Judiciary

## A BILL ENTITLED

#### 1 AN ACT concerning

#### 2

#### **Crime of Violence - Solicitation to Commit Murder**

3 FOR the purpose of making the common-law offense of solicitation to commit murder

- 4 a crime of violence for the purposes of sentencing and parole; and generally
- 5 relating to the common-law offense of solicitation to commit murder.

6 BY repealing and reenacting, with amendments,

7 Article 27 - Crimes and Punishments

8 Section 643B(a)

- 9 Annotated Code of Maryland
- 10 (1996 Replacement Volume and 1998 Supplement)

## 11 BY repealing and reenacting, without amendments,

- 12 Article Correctional Services
- 13 Section 7-101(a) and (m) and 7-301
- 14 Annotated Code of Maryland
- 15 (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of 16 (1999)

### 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19

### Article 27 - Crimes and Punishments

20 643B.

- 21 (a) As used in this section, the term "crime of violence" means abduction;
- 22 arson in the first degree; kidnapping; manslaughter, except involuntary
- 23 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
- 24 and 386 of this article; murder; THE COMMON-LAW OFFENSE OF SOLICITATION TO
- 25 COMMIT MURDER; rape; robbery; robbery with a deadly weapon; carjacking or armed
- 26 carjacking; sexual offense in the first degree; sexual offense in the second degree; use
- 27 of a handgun in the commission of a felony or other crime of violence; an attempt to

#### **HOUSE BILL 700**

1 commit any of the aforesaid offenses; assault in the first degree; and assault with

 $2\,$  intent to murder, assault with intent to rape, assault with intent to rob, assault with

3 intent to commit a sexual offense in the first degree, and assault with intent to

4 commit a sexual offense in the second degree, as these crimes were previously

5 proscribed under former § 12 of this article.

6 The term "correctional institution" includes Patuxent Institution and a local or 7 regional jail or detention center.

8		<b>Article - Correctional Services</b>			
9	7-101.				
10	(a)	In this title the following words have the meanings indicated.			
11	(m)	"Violent crime" means:			
12		(1) a crime of violence as defined in Article 27, § 643B of the Code; or			
13		(2) burglary in the first, second, or third degree.			
14	7-301.				
	5 (a) Except as otherwise provided in this section, the Commission shall request 6 that the Division of Parole and Probation make an investigation that will enable the 7 Commission to determine the advisability of granting parole to an inmate who:				
18 19	months or n	(1) has been sentenced under the laws of the State to serve a term of 6 nore in a correctional facility; and			
20 21	sentence.	(2) has served in confinement one-fourth of the inmate's aggregate			
24 25	(b) Except as provided in subsection (c) of this section, if an inmate has been sentenced to a term of imprisonment during which the inmate is eligible for parole and a term of imprisonment during which the inmate is not eligible for parole, the inmate is not eligible for parole consideration under subsection (a) of this section until the inmate has served the greater of:				
27		(1) one-fourth of the inmate's aggregate sentence; or			
28 29	parole.	(2) a period equal to the term during which the inmate is not eligible for			
30	(c)	(1) (i) Except as provided in subparagraph (ii) of this paragraph, an			

30 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an 31 inmate who has been sentenced to the Division of Correction after being convicted of 32 a violent crime committed on or after October 1, 1994, is not eligible for parole until 33 the inmate has served the greater of:

## HOUSE BILL 700

1 2 crimes; or	1.	one-half of the inmate's aggregate sentence for violent		
3	2.	one-fourth of the inmate's total aggregate sentence.		
(ii) An inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, and who has been sentenced to more than one term of imprisonment, including a term during which the inmate is eligible for parole and a term during which the inmate is not eligible for parole, is not eligible for parole until the inmate has served the greater of:				
10 11 crimes;	1.	one-half of the inmate's aggregate sentence for violent		
12	2.	one-fourth of the inmate's total aggregate sentence; or		
13 14 eligible for parole.	3.	a period equal to the term during which the inmate is not		
15 (2) An inmate who is serving a term of imprisonment for a violent crime 16 committed on or after October 1, 1994, shall receive an administrative review of the 17 inmate's progress in the correctional facility after the inmate has served the greater 18 of:				
19 (i)	one-for	urth of the inmate's aggregate sentence; or		
<ul> <li>20 (ii) if the inmate is serving a term of imprisonment that includes a</li> <li>21 mandatory term during which the inmate is not eligible for parole, a period equal to</li> <li>22 the term during which the inmate is not eligible for parole.</li> </ul>				
<ul><li>24 inmate who has been sentence</li><li>25 consideration until the inmat</li></ul>	ced to life e has serv or diminu	ded in paragraphs (2) and (3) of this subsection, an imprisonment is not eligible for parole ved 15 years or the equivalent of 15 years ttion of the inmate's term of confinement under tle 3, Subtitle 7 of this article.		
28 (2) An inmate who has been sentenced to life imprisonment as a result of 29 a proceeding under Article 27, § 413 is not eligible for parole consideration until the 30 inmate has served 25 years or the equivalent of 25 years considering the allowances 31 for diminution of the inmate's term of confinement under Article 27, § 638C of the 32 Code and Title 3, Subtitle 7 of this article.				
	ole under	mate has been sentenced to imprisonment for life Article 27, § 412 or § 413 of the Code, the deration and may not be granted parole at any		

37 (ii) This paragraph does not restrict the authority of the Governor
38 to pardon or remit any part of a sentence under § 7-601 of this title.

# 3

## HOUSE BILL 700

1 (4) If eligible for parole under this subsection, an inmate serving a term 2 of life imprisonment may only be paroled with the approval of the Governor.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 4 effect October 1, 1999.