

HOUSE BILL 708

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HB 685/98 - JUD

1999 Regular Session  
9r1104

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By: **Delegates Marriott, Benson, Cryor, C. Davis, Oaks, Dobson, Swain, and Rawlings**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Parole - Approval of the Governor**

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

9 BY repealing and reenacting, with amendments,  
10 Article - Correctional Services  
11 Section 4-305(b) and 7-301(d)  
12 Annotated Code of Maryland  
13 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
14 1999)

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

17 **Article - Correctional Services**

18 4-305.

19 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate  
20 sentenced to life imprisonment is not eligible for parole consideration until the inmate  
21 has served 15 years or the equivalent of 15 years when considering allowances for  
22 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7  
23 of this article and Article 27, § 638C of the Code.

24 (2) An inmate sentenced to life imprisonment as a result of a proceeding  
25 under Article 27, § 413 is not eligible for parole consideration until the inmate has  
26 served 25 years or the equivalent of 25 years when considering allowances for  
27 diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7  
28 of this article and Article 27, § 638C of the Code.

1 (3) (I) [An] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
2 PARAGRAPH, AN eligible person who is serving a term of life imprisonment may be  
3 paroled only with the Governor's approval.

4 (II) IF AN ELIGIBLE PERSON HAS SERVED AT LEAST 20 YEARS OR  
5 THE EQUIVALENT OF 20 YEARS CONSIDERING ALLOWANCES FOR DIMINUTION OF  
6 THE ELIGIBLE PERSON'S TERM OF CONFINEMENT AS PROVIDED UNDER TITLE 3,  
7 SUBTITLE 7 OF THIS ARTICLE AND ARTICLE 27, § 638C OF THE CODE, AN ELIGIBLE  
8 PERSON MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.

9 7-301.

10 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an  
11 inmate who has been sentenced to life imprisonment is not eligible for parole  
12 consideration until the inmate has served 15 years or the equivalent of 15 years  
13 considering the allowances for diminution of the inmate's term of confinement under  
14 Article 27, § 638C of the Code and Title 3, Subtitle 7 of this article.

15 (2) An inmate who has been sentenced to life imprisonment as a result of  
16 a proceeding under Article 27, § 413 is not eligible for parole consideration until the  
17 inmate has served 25 years or the equivalent of 25 years considering the allowances  
18 for diminution of the inmate's term of confinement under Article 27, § 638C of the  
19 Code and Title 3, Subtitle 7 of this article.

20 (3) (i) If an inmate has been sentenced to imprisonment for life  
21 without the possibility of parole under Article 27, § 412 or § 413 of the Code, the  
22 inmate is not eligible for parole consideration and may not be granted parole at any  
23 time during the inmate's sentence.

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

26 (4) (I) [If eligible for parole under this subsection] EXCEPT AS  
27 PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, an inmate serving a term of  
28 life imprisonment WHO IS ELIGIBLE FOR PAROLE UNDER THIS SUBSECTION may only  
29 be paroled with the approval of the Governor.

30 (II) IF AN INMATE HAS SERVED AT LEAST 20 YEARS OR THE  
31 EQUIVALENT OF 20 YEARS CONSIDERING THE ALLOWANCES FOR DIMINUTION OF  
32 THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF  
33 THIS ARTICLE AND ARTICLE 27, § 638C OF THE CODE, AN INMATE MAY BE PAROLED  
34 WITHOUT THE APPROVAL OF THE GOVERNOR.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 1999. It shall remain effective for a period of 5 years and, at the end of  
37 September 30, 2004, with no further action required by the General Assembly, this  
38 Act shall be abrogated and of no further force and effect.