

SENATE BILL 312

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HB 661/98 - JUD

1999 Regular Session
9lr2065
CF 9lr0984

By: ~~Senator Baker~~ **Senators Baker and Colburn**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 24, 1999

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Pardons, Commutations, and Other Acts of Clemency - Notification**

3 FOR the purpose of requiring the Maryland Parole Commission to provide notice to
4 members of the public when it recommends to the Governor that an inmate be
5 pardoned, that an inmate's sentence be commuted, or that an inmate receive
6 any other act of clemency; specifying the manner in which the notice must be
7 provided; requiring the Governor to give notice to the General Assembly and
8 members of the public of the Governor's decision to grant a pardon,
9 commutation, or remission at least a certain amount of time before the pardon,
10 commutation, or remission becomes effective; specifying the contents of the
11 notice and the manner in which it must be provided; and generally relating to
12 pardons, commutations, and other acts of clemency.

13 BY repealing and reenacting, with amendments,
14 Article - Correctional Services
15 Section 7-206 and 7-601
16 Annotated Code of Maryland
17 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
18 1999)

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

21 **Article - Correctional Services**

22 7-206.

23 (A) The Commission shall:

- 1 (1) evaluate information on the activities of parolees that the Division of
2 Parole and Probation reports;
- 3 (2) issue warrants or delegate to the Director of the Division of Parole
4 and Probation the authority to issue warrants to retake parolees who are charged
5 with violating a condition of parole;
- 6 (3) review and make recommendations to the Governor:
- 7 (i) concerning parole of an inmate under a sentence of life
8 imprisonment; and
- 9 (ii) if requested by the Governor, concerning a pardon, commutation
10 of sentence, or other clemency;
- 11 (4) establish and modify general policy governing the conduct of
12 parolees; and
- 13 (5) arrange for psychiatric or psychological examination of applicants for
14 parole whenever the Commission believes that an examination will better enable it to
15 decide on the advisability of parole and include the expense for the examination in its
16 annual budget.

17 (B) (1) THE COMMISSION SHALL NOTIFY MEMBERS OF THE PUBLIC WHEN
18 IT RECOMMENDS TO THE GOVERNOR UNDER SUBSECTION (A)(3)(II) OF THIS SECTION
19 THAT:

- 20 (I) AN INMATE BE PARDONED;
- 21 (II) AN INMATE'S SENTENCE BE COMMUTED; OR
- 22 (III) AN INMATE RECEIVE ANY OTHER ACT OF CLEMENCY.
- 23 (2) THE COMMISSION'S NOTICE SHALL BE PUBLISHED:
- 24 (I) AT LEAST ONCE;
- 25 (II) NOT MORE THAN 30 DAYS FOLLOWING THE DATE OF THE
26 RECOMMENDATION; AND
- 27 (III) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN
28 THE COUNTY OR COUNTIES IN WHICH:
- 29 1. THE CRIME OCCURRED; AND
- 30 2. THE VICTIM OR THE VICTIM'S DESIGNATED
31 REPRESENTATIVE RESIDES.

32 7-601.

- 33 (a) On giving the notice required by the Constitution, the Governor may:

1 (1) commute or change a sentence of death into a period of confinement
2 that the Governor considers expedient;

3 (2) pardon an individual convicted of a crime subject to any conditions
4 the Governor requires; or

5 (3) remit any part of a sentence of imprisonment subject to any
6 conditions the Governor requires, without the remission operating as a full pardon.

7 (b) (1) AT LEAST 90 DAYS BEFORE THE EFFECTIVE DATE OF A PARDON,
8 COMMUTATION, OR REMISSION GRANTED UNDER SUBSECTION (A) OF THIS SECTION,
9 THE GOVERNOR SHALL:

10 (I) PROVIDE NOTICE OF THE DECISION TO THE GENERAL
11 ASSEMBLY; AND

12 (II) PUBLISH NOTICE OF THE DECISION IN A LEAST ONE
13 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OR COUNTIES IN WHICH:

14 1. THE CRIME OCCURRED; AND

15 2. THE VICTIM OR THE VICTIM'S DESIGNATED
16 REPRESENTATIVE RESIDES.

17 (2) THE NOTICES REQUIRED UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION SHALL STATE:

19 (I) THAT AN APPLICATION FOR A PARDON, COMMUTATION, OR
20 REMISSION WAS RECEIVED BY THE GOVERNOR;

21 (II) THE INMATE'S IDENTITY;

22 (III) THE CRIME OR CRIMES FOR WHICH THE INMATE WAS
23 CONVICTED; AND

24 (IV) THE DATE ON WHICH THE PARDON, COMMUTATION, OR
25 REMISSION WILL BECOME EFFECTIVE.

26 (C) (1) A pardon or commutation of sentence shall be evidenced by a written
27 executive order signed by the Governor under the great seal.

28 (2) An order granting a pardon or conditional pardon shall clearly
29 indicate on its face whether it is a partial or full pardon.

30 [(c)] (D) There is a presumption that the grantee of a pardon was lawfully and
31 properly convicted of a crime against the State unless the order granting the pardon
32 states that the grantee has been shown conclusively to have been convicted in error.

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

