

SENATE BILL 544

Unofficial Copy  
E2  
SB 555/98 - JPR

1999 Regular Session  
9r1676

---

By: **Senators Colburn and Baker**

Introduced and read first time: February 5, 1999

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 has been sentenced to  
6 imprisonment; requiring the Governor to provide certain notice by a certain date  
7 in a newspaper of general circulation in the county in which a crime occurred;  
8 requiring the Governor to provide certain notice by a certain date to the General  
9 Assembly; requiring the Governor to submit a certain report by a certain date to  
10 the General Assembly; and generally relating to the Governor and  
11 commutations, reprieves, and pardons.

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

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

20 **Article - Correctional Services**

21 7-601.

22 (a) [On] SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON giving the notice  
23 required by the Constitution, the Governor may:

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

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

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

3       (b)       (1)       EXCEPT FOR GRANTING A REPRIEVE FOR THE EXECUTION OF A  
4 SENTENCE OF DEATH, AT LEAST 90 DAYS BEFORE THE GOVERNOR EXERCISES  
5 AUTHORITY UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE  
6 MARYLAND CONSTITUTION, THE GOVERNOR SHALL PROVIDE NOTICE OF THE  
7 GOVERNOR'S INTENTION TO EXERCISE THE AUTHORITY IN A NEWSPAPER OF  
8 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE CRIME OCCURRED.

9           (2)       EXCEPT FOR GRANTING A REPRIEVE FOR THE EXECUTION OF A  
10 SENTENCE OF DEATH, AT LEAST 10 DAYS BEFORE THE GOVERNOR EXERCISES  
11 AUTHORITY UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE  
12 MARYLAND CONSTITUTION, THE GOVERNOR SHALL PROVIDE NOTICE OF THE  
13 GOVERNOR'S ACTION TO THE GENERAL ASSEMBLY AS PROVIDED UNDER § 2-1246 OF  
14 THE STATE GOVERNMENT ARTICLE.

15           (3)       WITHIN 10 DAYS AFTER THE GOVERNOR EXERCISES AUTHORITY  
16 UNDER SUBSECTION (A) OF THIS SECTION OR ARTICLE II, § 20 OF THE MARYLAND  
17 CONSTITUTION, THE GOVERNOR SHALL REPORT TO THE GENERAL ASSEMBLY, AS  
18 PROVIDED UNDER § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE  
19 PETITIONS, RECOMMENDATIONS, AND REASONS THAT INFLUENCED THE  
20 GOVERNOR'S DECISION TO EXERCISE AUTHORITY UNDER SUBSECTION (A) OF THIS  
21 SECTION OR ARTICLE II, § 20 OF THE MARYLAND CONSTITUTION.

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

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

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

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