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By: **Senators Ferguson, Colburn, Hafer, Harris, Hooper, Jacobs, Madden,  
McCabe, Mooney, and Stoltzfus**  
Introduced and read first time: February 2, 2001  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Abolishment of Parole for Violent and Repeat**  
3 **Offenders**

4 FOR the purpose of providing that an inmate serving a term of imprisonment for a  
5 violent crime may not be granted parole if the inmate has been previously  
6 convicted of a violent crime; establishing that a certain provision relating to the  
7 parole of a certain offender does not restrict certain authority of the Governor;  
8 and generally relating to the abolishment of parole for violent and repeat  
9 offenders.

10 BY repealing and reenacting, with amendments,  
11 Article - Correctional Services  
12 Section 7-301  
13 Annotated Code of Maryland  
14 (1999 Volume and 2000 Supplement)

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 7-301.

19 (a) (1) Except as otherwise provided in this section, the Commission shall  
20 request that the Division of Parole and Probation make an investigation for inmates  
21 in a local correctional facility and the Division of Correction make an investigation for  
22 inmates in a State correction facility that will enable the Commission to determine  
23 the advisability of granting parole to an inmate who:

24 (i) has been sentenced under the laws of the State to serve a term  
25 of 6 months or more in a correctional facility; and

26 (ii) has served in confinement one-fourth of the inmate's aggregate  
27 sentence.

1           (2)     Except as otherwise provided by law or in a predetermined parole  
2 release agreement, an inmate is not eligible for parole until the inmate has served in  
3 confinement one-fourth of the inmate's aggregate sentence.

4     (b)     Except as provided in subsection (c) of this section, if an inmate has been  
5 sentenced to a term of imprisonment during which the inmate is eligible for parole  
6 and a term of imprisonment during which the inmate is not eligible for parole, the  
7 inmate is not eligible for parole consideration under subsection (a) of this section until  
8 the inmate has served the greater of:

9           (1)     one-fourth of the inmate's aggregate sentence; or

10          (2)     a period equal to the term during which the inmate is not eligible for  
11 parole.

12     (c)     (1)     (i)     Except as provided in subparagraph (ii) of this paragraph AND  
13 PARAGRAPH (3) OF THIS SUBSECTION, an inmate who has been sentenced to the  
14 Division of Correction after being convicted of a violent crime committed on or after  
15 October 1, 1994, is not eligible for parole until the inmate has served the greater of:

16                                 1.     one-half of the inmate's aggregate sentence for violent  
17 crimes; or

18                                 2.     one-fourth of the inmate's total aggregate sentence.

19                                 (ii)     An inmate who has been sentenced to the Division of Correction  
20 after being convicted of a violent crime committed on or after October 1, 1994, and  
21 who has been sentenced to more than one term of imprisonment, including a term  
22 during which the inmate is eligible for parole and a term during which the inmate is  
23 not eligible for parole, is not eligible for parole until the inmate has served the greater  
24 of:

25                                 1.     one-half of the inmate's aggregate sentence for violent  
26 crimes;

27                                 2.     one-fourth of the inmate's total aggregate sentence; or

28                                 3.     a period equal to the term during which the inmate is not  
29 eligible for parole.

30           (2)     An inmate who is serving a term of imprisonment for a violent crime  
31 committed on or after October 1, 1994, shall receive an administrative review of the  
32 inmate's progress in the correctional facility after the inmate has served the greater  
33 of:

34                                 (i)     one-fourth of the inmate's aggregate sentence; or

35                                 (ii)     if the inmate is serving a term of imprisonment that includes a  
36 mandatory term during which the inmate is not eligible for parole, a period equal to  
37 the term during which the inmate is not eligible for parole.

1           (3)    (I)    AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A  
2 VIOLENT CRIME IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT BE  
3 GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE IF THE INMATE  
4 HAS BEEN PREVIOUSLY CONVICTED OF A VIOLENT CRIME.

5                   (II)   THIS PARAGRAPH DOES NOT RESTRICT THE AUTHORITY OF THE  
6 GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER § 7-601 OF THIS  
7 TITLE.

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

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

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

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

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

26    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2001.