

SENATE BILL 676

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2001 Regular Session  
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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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Correctional Services~~ **Truth In Sentencing - Abolishment of Parole for**  
3 **Violent and Repeat 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

1 inmates in a State correction facility that will enable the Commission to determine  
2 the advisability of granting parole to an inmate who:

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

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

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

10 (b) Except as provided in subsection (c) of this section, if an inmate has been  
11 sentenced to a term of imprisonment during which the inmate is eligible for parole  
12 and a term of imprisonment during which the inmate is not eligible for parole, the  
13 inmate is not eligible for parole consideration under subsection (a) of this section until  
14 the inmate has served the greater of:

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

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

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

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

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

25 (ii) An inmate who has been sentenced to the Division of Correction  
26 after being convicted of a violent crime committed on or after October 1, 1994, and  
27 who has been sentenced to more than one term of imprisonment, including a term  
28 during which the inmate is eligible for parole and a term during which the inmate is  
29 not eligible for parole, is not eligible for parole until the inmate has served the greater  
30 of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

