

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 1046 (Delegate C. Davis)  
Judiciary

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**Parole - Life Imprisonment - Approval of Governor**

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This bill permits an inmate who has been sentenced to life imprisonment to be paroled without the approval of the Governor, if the inmate is at least 50 years old and has served at least 25 years of a life sentence, or the equivalent of 25 years considering diminution credits.

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**Fiscal Summary**

**State Effect:** Because the number of persons who would qualify for parole under this bill is expected to be relatively small, the bill is not expected to have a significant effect on the operations of the Division of Correction, the Maryland Parole Commission, or the Division of Parole and Probation.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** An inmate who is sentenced to life imprisonment for a crime other than first degree murder is not eligible for parole until having served 15 years, considering any allowances for diminution credits. If the inmate is sentenced to life imprisonment for first degree murder, the inmate is not parole eligible until having served 25 years, considering any allowances for diminution credits. In either case, an inmate who has been sentenced to life imprisonment, and who becomes eligible for parole, may only be paroled with the approval of the Governor.

**Background:** In 1995, the Governor announced that he would approve parole for inmates sentenced to life imprisonment only if the inmates were very old or terminally ill. In 1999, Maryland's Commission on Criminal Sentencing Policy, then a study commission, recommended an end to that policy. In 2003, the new Governor has announced that all parole requests will be considered on a case-by-case basis. The Maryland Parole Commission reports that there are about 2,000 parole requests being activated for review due to the change in policy by the Governor.

There are currently about 1,900 persons serving a life sentence in Division of Correction facilities (not including those serving a sentence of life without parole). The intake of violent offenders for fiscal 2002 was 58. About 381 violent offender inmates are believed to be 50 years of age or older. It is unknown how many of that number have served a minimum of 25 years.

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### **Additional Information**

**Prior Introductions:** HB 653 of 2001 received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services (Maryland Parole Commission, Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2003  
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