

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 429
Judiciary

(Delegate Marriott, *et al.*)

Division of Correction - Inmates - Suspended Life Sentences

This bill requires the Division of Correction (DOC) to treat each inmate whose life sentence has been partly suspended as an inmate sentenced to a term of years in all respects, including eligibility for parole, leave, and participation in treatment, special, and meritorious programs.

Fiscal Summary

State Effect: Minimal. This bill's changes are not expected to significantly affect the operations or finances of DOC or the Maryland Parole Commission.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The requirements governing parole eligibility for inmates serving a term of life imprisonment are more severe than for inmates serving straight sentences. An inmate convicted of a violent crime (for offenses committed on or after October 1, 1984) who does not receive a mandatory minimum sentence, with certain exceptions, is required to serve at least one-half of the inmate's aggregate sentence for violent crimes or one-fourth of the inmate's total aggregate sentence before becoming eligible for parole. An inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served: (1) 15 years less diminution credits; or (2) 25 years less diminution credits if the inmate was given a life sentence for first degree

murder instead of a sentence of death. Furthermore, unlike an inmate who has been sentenced to a straight term of years, an inmate who serves a term of life imprisonment may be paroled only with approval of the Governor.

Background: In current practice, a judge may impose a life sentence with all but a certain amount of years (e.g., 30 years) suspended. An inmate who receives such a “split sentence” may be treated differently from an inmate who receives a straight 30-year sentence. During the first part of the sentence, an inmate with a split life sentence is more likely to be housed in a more secure facility.

In addition, such an inmate is considered as an inmate serving a term of life imprisonment for purposes of parole eligibility.

Additional Information

Prior Introductions: In 2001, a similar bill (HB 560) received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

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