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By: **Delegates Conroy, Aumann, Boschert, G. Clagett, Fulton, Gilleland,  
Impallaria, McConkey, McDonough, McMillan, Miller, Sophocleus, and  
Vaughn**

Introduced and read first time: January 30, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Murder - Parole and Diminution Credits - Richard's Law**

3 FOR the purpose of providing that an inmate committed to the custody of the  
4 Commissioner for a conviction of murder in the first degree or murder in the  
5 second degree is not entitled to a certain diminution of the inmate's term of  
6 confinement, is not eligible for parole consideration, and may not be granted  
7 parole; establishing that a certain provision does not restrict a certain authority  
8 of the Governor to pardon or remit any part of a sentence; establishing that  
9 certain guidelines for parole consideration apply to an inmate sentenced before  
10 a certain date; providing for the application of this Act; and generally relating to  
11 murder, parole, and diminution credits.

12 BY repealing and reenacting, with amendments,  
13 Article - Correctional Services  
14 Section 3-702 and 7-301  
15 Annotated Code of Maryland  
16 (1999 Volume and 2003 Supplement)

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

19 **Article - Correctional Services**

20 3-702.

21 (A) Subject to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article AND  
22 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, an inmate committed to  
23 the custody of the Commissioner is entitled to a diminution of the inmate's term of  
24 confinement as provided under this subtitle.

25 (B) AN INMATE COMMITTED TO THE CUSTODY OF THE COMMISSIONER AFTER  
26 BEING CONVICTED OF A VIOLATION OF § 2-201 OR § 2-204 OF THE CRIMINAL LAW

1 ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF  
2 CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.

3 7-301.

4 (a) (1) Except as otherwise provided in this section, the Commission shall  
5 request that the Division of Parole and Probation make an investigation for inmates  
6 in a local correctional facility and the Division of Correction make an investigation for  
7 inmates in a State correctional facility that will enable the Commission to determine  
8 the advisability of granting parole to an inmate who:

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

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

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

16 (b) Except as provided in subsection (c) of this section, if an inmate has been  
17 sentenced to a term of imprisonment during which the inmate is eligible for parole  
18 and a term of imprisonment during which the inmate is not eligible for parole, the  
19 inmate is not eligible for parole consideration under subsection (a) of this section until  
20 the inmate has served the greater of:

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

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

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

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

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

31 (ii) An inmate who has been sentenced to the Division of Correction  
32 after being convicted of a violent crime committed on or after October 1, 1994, and  
33 who has been sentenced to more than one term of imprisonment, including a term  
34 during which the inmate is eligible for parole and a term during which the inmate is  
35 not eligible for parole, is not eligible for parole until the inmate has served the greater  
36 of:

- 1  
2 crimes;
- 3
- 4  
5 eligible for parole.
1. one-half of the inmate's aggregate sentence for violent
  2. one-fourth of the inmate's total aggregate sentence; or
  3. a period equal to the term during which the inmate is not

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

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

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

14 (3) (I) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A  
15 VIOLATION OF § 2-201 OR § 2-204 OF THE CRIMINAL LAW ARTICLE IS NOT ELIGIBLE  
16 FOR PAROLE CONSIDERATION AND MAY NOT BE GRANTED PAROLE AT ANY TIME  
17 DURING THE INMATE'S SENTENCE.

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

21 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an  
22 inmate who has been sentenced to life imprisonment is not eligible for parole  
23 consideration until the inmate has served 15 years or the equivalent of 15 years  
24 considering the allowances for diminution of the inmate's term of confinement under  
25 § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

26 (2) An inmate who has been sentenced BEFORE OCTOBER 1, 2004 to life  
27 imprisonment as a result of a proceeding under § 2-303 or § 2-304 of the Criminal  
28 Law Article is not eligible for parole consideration until the inmate has served 25  
29 years or the equivalent of 25 years considering the allowances for diminution of the  
30 inmate's term of confinement under § 6-218 of the Criminal Procedure Article and  
31 Title 3, Subtitle 7 of this article.

32 (3) (i) If an inmate has been sentenced BEFORE OCTOBER 1, 2004 to  
33 imprisonment for life without the possibility of parole under § 2-203 or § 2-304 of the  
34 Criminal Law Article, the inmate is not eligible for parole consideration and may not  
35 be granted parole at any time during the inmate's sentence.

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

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

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
4 construed to apply only prospectively and may not be applied or interpreted to have  
5 any effect on or application to any person sentenced for a violation of § 2-201 or §  
6 2-204 of the Criminal Law Article before the effective date of this Act.

7       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2004.