
By: **Delegate O'Donnell**

Introduced and read first time: March 1, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Parole Eligibility - Child Abuse in the First Degree - Violent Crime**

3 FOR the purpose of modifying a certain definition of "violent crime" as it applies to
4 parole eligibility and crime victim notification requirements under certain
5 circumstances to include the felony of child abuse in the first degree; and
6 generally relating to parole eligibility for child abuse in the first degree.

7 BY repealing and reenacting, with amendments,
8 Article - Correctional Services
9 Section 7-101(m)
10 Annotated Code of Maryland
11 (1999 Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Correctional Services
14 Section 7-301 and 7-401
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 7-101.

21 (m) "Violent crime" means:

22 (1) a crime of violence as defined in § 14-101 of the Criminal Law
23 Article; [or]

24 (2) burglary in the first, second, or third degree; OR

25 (3) CHILD ABUSE IN THE FIRST DEGREE UNDER § 3-601 OF THE
26 CRIMINAL LAW ARTICLE.

1 7-301.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) If the commissioner finds from the evidence that the parolee has violated a
2 condition of parole, the commissioner may take any action that the commissioner
3 considers appropriate, including:

4 (1) (i) revoking the order of parole;

5 (ii) setting a future hearing date for consideration for reparole; and

6 (iii) remanding the individual to the Division of Correction or local
7 correctional facility from which the individual was paroled; or

8 (2) continuing parole:

9 (i) without modification of its conditions; or

10 (ii) with modification of its conditions, including a requirement that
11 the parolee spend all or part of the remaining parole period in a home detention
12 program.

13 (d) (1) Subject to paragraph (2) of this subsection and further action by the
14 Commission, if the order of parole is revoked, the inmate shall serve the remainder of
15 the sentence originally imposed unless the commissioner hearing the parole
16 revocation, in the commissioner's discretion, grants credit for time between release on
17 parole and revocation of parole.

18 (2) An inmate may not receive credit for time between release on parole
19 and revocation of parole if:

20 (i) the inmate was serving a sentence for a violent crime when
21 parole was revoked; and

22 (ii) the parole was revoked due to a finding that the inmate
23 committed a violent crime while on parole.

24 (e) (1) The inmate may seek judicial review in the circuit court within 30
25 days after receiving the written decision of the Commission.

26 (2) The court shall hear the action on the record.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2004.