

(PRE-FILED)

By: **Senator Colburn**
 Requested: August 29, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections - First Degree Murder - Minimum Sentence**

3 FOR the purpose of requiring that a person convicted of first degree murder serve a
4 certain minimum term before being eligible for parole consideration; prohibiting
5 the deduction in advance from a term of confinement of an inmate if the inmate
6 has been convicted of murder in the first degree until the inmate has served a
7 certain term; providing for the application of this Act; and generally relating to
8 eligibility for parole consideration or a deduction in advance from a term of
9 confinement for first degree murder.

10 BY repealing and reenacting, with amendments,

- 11 Article - Correctional Services
- 12 Section 3-704, 4-305(b), and 7-301(d)
- 13 Annotated Code of Maryland
- 14 (1999 Volume and 2005 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 3-704.

19 (a) [An] EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS SECTION, AN
20 inmate shall be allowed a deduction in advance from the inmate's term of
21 confinement.

22 (b) (1) The deduction allowed under subsection (a) of this section shall be
23 calculated:

24 (i) from the first day of commitment to the custody of the
25 Commissioner through the last day of the inmate's term of confinement;

26 (ii) except as provided in paragraph (2) of this subsection, at the
27 rate of 10 days for each calendar month; and

1 (iii) on a prorated basis for any portion of a calendar month.

2 (2) [If] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF an
3 inmate's term of confinement includes a consecutive or concurrent sentence for a
4 crime of violence as defined in § 14-101 of the Criminal Law Article or a crime of
5 manufacturing, distributing, dispensing, or possessing a controlled dangerous
6 substance in violation of §§ 5-602 through 5-609, § 5-612, or § 5-613 of the Criminal
7 Law Article, the deduction described in subsection (a) of this section shall be
8 calculated at the rate of 5 days for each calendar month.

9 (3) IF THE TERM OF CONFINEMENT FOR AN INMATE INCLUDES A
10 CONSECUTIVE OR CONCURRENT SENTENCE FOR MURDER IN THE FIRST DEGREE,
11 THE INMATE MAY NOT BE ALLOWED A DEDUCTION IN ADVANCE FROM THE TERM OF
12 CONFINEMENT UNTIL THE INMATE HAS SERVED 25 YEARS.

13 (c) A deduction under this section may not be allowed for a period during
14 which an inmate does not receive credit for service of the inmate's term of
15 confinement, including a period:

16 (1) during which the inmate's sentence is stayed;

17 (2) during which the inmate is not in the custody of the Commissioner
18 because of escape; or

19 (3) for which the Maryland Parole Commission has declined to grant
20 credit after revocation of parole or mandatory supervision.

21 4-305.

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

27 (2) An inmate sentenced to life imprisonment [as a result of a
28 proceeding under § 2-303 or § 2-304 of the Criminal Law Article] FOR A MURDER IN
29 THE FIRST DEGREE is not eligible for parole consideration until the inmate has served
30 25 years [or the equivalent of 25 years when considering allowances for diminution of
31 the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article
32 and § 6-218 of the Criminal Procedure Article].

33 (3) An eligible person who is serving a term of life imprisonment may be
34 paroled only with the Governor's approval.

35 7-301.

36 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
37 inmate who has been sentenced to life imprisonment is not eligible for parole
38 consideration until the inmate has served 15 years or the equivalent of 15 years

1 considering the allowances for diminution of the inmate's term of confinement under
2 § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

3 (2) An inmate who has been sentenced to life imprisonment [as a result
4 of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article] FOR A MURDER
5 IN THE FIRST DEGREE is not eligible for parole consideration until the inmate has
6 served 25 years [or the equivalent of 25 years considering the allowances for
7 diminution of the inmate's term of confinement under § 6-218 of the Criminal
8 Procedure Article and Title 3, Subtitle 7 of this article].

9 (3) (i) If an inmate has been sentenced to imprisonment for life
10 without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article,
11 the inmate is not eligible for parole consideration and may not be granted parole at
12 any time during the inmate's sentence.

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to have
19 any effect on or application to the sentencing of a person or the allowance of
20 diminution credits to an inmate who committed a murder in the first degree before
21 the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2006.