
By: **Senators Brochin, Britt, Garagiola, Giannetti, Grosfeld, Klausmeier,
and Mooney**

Introduced and read first time: January 13, 2006

Assigned to: Finance

Reassigned: Judicial Proceedings, January 16, 2006

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Parole**

3 FOR the purpose of altering the portion of a sentence that must be served before
4 persons convicted of certain violent crimes can be paroled; altering the portion of
5 a sentence that must be served before persons convicted of certain violent crimes
6 can receive a certain administrative review; providing for the application of this
7 Act; and generally relating to parole and crimes of violence.

8 BY repealing and reenacting, with amendments,
9 Article - Correctional Services
10 Section 7-301
11 Annotated Code of Maryland
12 (1999 Volume and 2005 Supplement)

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

15 **Article - Correctional Services**

16 7-301.

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

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

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

1 (2) Except as provided in paragraph (3) of this subsection, or as
2 otherwise provided by law or in a predetermined parole release agreement, an inmate
3 is not eligible for parole until the inmate has served in confinement one-fourth of the
4 inmate's aggregate sentence.

5 (3) An inmate may be released on parole at any time in order to undergo
6 drug or alcohol treatment if the inmate:

7 (i) is not serving a sentence for a crime of violence, as defined in §
8 14-101 of the Criminal Law Article;

9 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
10 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the
11 Criminal Law Article; and

12 (iii) has been determined to be amenable to drug or alcohol
13 treatment.

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,]:

25 1. COMMITTED FROM OCTOBER 1, 1994, TO SEPTEMBER 30,
26 2006, BOTH INCLUSIVE, is not eligible for parole until the inmate has served the
27 greater of:

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

30 [2.] B. one-fourth of the inmate's total aggregate sentence;
31 OR

32 2. COMMITTED ON OR AFTER OCTOBER 1, 2006, IS NOT
33 ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED THE GREATER OF:

34 A. TWO-THIRDS OF THE INMATE'S AGGREGATE SENTENCE
35 FOR VIOLENT CRIMES; OR

1 B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE
2 SENTENCE.

3 (ii) An inmate who has been sentenced to the Division of Correction
4 after being convicted of a violent crime [committed on or after October 1, 1994,]:

5 1. COMMITTED FROM OCTOBER 1, 1994, TO SEPTEMBER 30,
6 2006, BOTH INCLUSIVE, and who has been sentenced to more than one term of
7 imprisonment, including a term during which the inmate is eligible for parole and a
8 term during which the inmate is not eligible for parole, is not eligible for parole until
9 the inmate has served the greater of:

10 [1.] A. one-half of the inmate's aggregate sentence for
11 violent crimes;

12 [2.] B. one-fourth of the inmate's total aggregate sentence;
13 or

14 [3.] C. a period equal to the term during which the inmate is
15 not eligible for parole; OR

16 2. COMMITTED ON OR AFTER OCTOBER 1, 2006, AND WHO
17 HAS BEEN SENTENCED TO MORE THAN ONE TERM OF IMPRISONMENT, INCLUDING A
18 TERM DURING WHICH THE INMATE IS ELIGIBLE FOR PAROLE AND A TERM DURING
19 WHICH THE INMATE IS NOT ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE
20 UNTIL THE INMATE HAS SERVED THE GREATER OF:

21 A. TWO-THIRDS OF THE INMATE'S AGGREGATE SENTENCE
22 FOR VIOLENT CRIMES;

23 B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE
24 SENTENCE; OR

25 C. A PERIOD EQUAL TO THE TERM DURING WHICH THE
26 INMATE IS NOT ELIGIBLE FOR PAROLE.

27 (2) (I) An inmate who is serving a term of imprisonment for a violent
28 crime committed [on or after] FROM October 1, 1994, TO SEPTEMBER 30, 2006, BOTH
29 INCLUSIVE, shall receive an administrative review of the inmate's progress in the
30 correctional facility after the inmate has served the greater of:

31 [(i)] 1. one-fourth of the inmate's aggregate sentence; or

32 [(ii)] 2. if the inmate is serving a term of imprisonment that
33 includes a mandatory term during which the inmate is not eligible for parole, a period
34 equal to the term during which the inmate is not eligible for parole.

35 (II) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A
36 VIOLENT CRIME COMMITTED ON OR AFTER OCTOBER 1, 2006, SHALL RECEIVE AN

1 ADMINISTRATIVE REVIEW OF THE INMATE'S PROGRESS IN THE CORRECTIONAL
2 FACILITY AFTER THE INMATE HAS SERVED THE GREATER OF:

3 1. ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE; OR

4 2. IF THE INMATE IS SERVING A TERM OF IMPRISONMENT
5 THAT INCLUDES A MANDATORY TERM DURING WHICH THE INMATE IS NOT ELIGIBLE
6 FOR PAROLE, A PERIOD EQUAL TO THE TERM DURING WHICH THE INMATE IS NOT
7 ELIGIBLE FOR PAROLE.

8 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
9 inmate who has been sentenced to life imprisonment is not eligible for parole
10 consideration until the inmate has served 15 years or the equivalent of 15 years
11 considering the allowances for diminution of the inmate's term of confinement under
12 § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

13 (2) An inmate who has been sentenced to life imprisonment as a result of
14 a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
15 parole consideration until the inmate has served 25 years or the equivalent of 25
16 years considering the allowances for diminution of the inmate's term of confinement
17 under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed to apply only prospectively and may not be applied or interpreted to have
28 any effect on or application to any offenses that were committed before the effective
29 date of this Act.

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