

HOUSE BILL 115

E2

71r0975

By: **Delegate Conaway**

Introduced and read first time: January 24, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Subsequent Sexual Offenders – Parole Elimination**

3 FOR the purpose of eliminating parole eligibility for sexual offenders who are serving
4 terms of imprisonment for certain offenses against minors committed on or after
5 a certain date after having been previously convicted of certain sexual offenses
6 against minors; and generally relating to the parole eligibility of subsequent
7 sexual offenders.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–301
11 Annotated Code of Maryland
12 (1999 Volume and 2006 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 in
19 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

13 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6,
14 § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the
15 Criminal Law Article; and

16 (iii) has been determined to be amenable to drug or alcohol
17 treatment.

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

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

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

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

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

1 **(2) THIS PARAGRAPH DOES NOT RESTRICT THE AUTHORITY OF**
2 **THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER**
3 **§ 7-601 OF THIS TITLE.**

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

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

14 (3) (i) If an inmate has been sentenced to imprisonment for life
15 without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article,
16 the inmate is not eligible for parole consideration and may not be granted parole at
17 any time 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 title.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2007.