

HOUSE BILL 1066

E2
HB 115/07 – JUD

8lr2130

By: **Delegates Conaway and James**
Introduced and read first time: February 7, 2008
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; providing that a certain provision of law does not restrict a
7 certain authority of the Governor to pardon or remit a certain sentence; and
8 generally relating to the parole eligibility of subsequent sexual offenders.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 7–301
12 Annotated Code of Maryland
13 (1999 Volume and 2007 Supplement)

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

16 **Article – Correctional Services**

17 7–301.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

7 (3) An inmate may be released on parole at any time in order to
8 undergo drug or alcohol treatment, mental health treatment, or to participate in a
9 residential program of treatment in the best interest of an inmate's expected or
10 newborn child 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 treatment.

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

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

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

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

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

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

32 (ii) An inmate who has been sentenced to the Division of
33 Correction after being convicted of a violent crime committed on or after October 1,
34 1994, and who has been sentenced to more than one term of imprisonment, including a
35 term during which the inmate is eligible for parole and a term during which the

1 inmate is not eligible for parole, is not eligible for parole until the inmate has served
2 the greater of:

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

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

7 3. a period equal to the term during which the inmate is
8 not eligible for parole.

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

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

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

17 **(D) (1) AN INMATE IS NOT ELIGIBLE FOR PAROLE CONSIDERATION**
18 **AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S**
19 **SENTENCE IF THE INMATE:**

20 **(I) IS SERVING A TERM OF IMPRISONMENT FOR A**
21 **VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE**
22 **COMMITTED ON OR AFTER OCTOBER 1, 2008, AGAINST A MINOR; AND**

23 **(II) HAS BEEN CONVICTED ON A PRIOR OCCASION NOT**
24 **ARISING FROM THE SAME INCIDENT OF ANY VIOLATION OF TITLE 3, SUBTITLE 3**
25 **OF THE CRIMINAL LAW ARTICLE AGAINST A MINOR.**

26 **(2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF**
27 **THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER**
28 **§ 7-601 OF THIS TITLE.**

29 **[(d)] (E) (1) Except as provided in paragraphs (2) and (3) of this**
30 **subsection, an inmate who has been sentenced to life imprisonment is not eligible for**
31 **parole consideration until the inmate has served 15 years or the equivalent of 15 years**
32 **considering the allowances for diminution of the inmate's term of confinement under §**
33 **6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.**

1 (2) An inmate who has been sentenced to life imprisonment as a result
2 of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
3 parole consideration until the inmate has served 25 years or the equivalent of 25 years
4 considering the allowances for diminution of the inmate’s term of confinement under §
5 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2008.