

SENATE BILL 254

E2
SB 62/06 – JPR

8lr1828

By: **Senators Brochin and Stone**
Introduced and read first time: January 24, 2008
Assigned to: Judicial Proceedings

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 individuals convicted of certain violent crimes can be paroled; altering the
5 portion of a sentence that must be served before persons convicted of certain
6 violent crimes can receive a certain administrative review; providing for the
7 application of this 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 2007 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:

22 (i) has been sentenced under the laws of the State to serve a
23 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 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,]:

28 **1. COMMITTED FROM OCTOBER 1, 1994, TO**
29 **SEPTEMBER 30, 2008, BOTH INCLUSIVE,** is not eligible for parole until the inmate
30 has served the greater of:

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

33 [2.] **B.** one-fourth of the inmate's total aggregate
34 sentence; **OR**

1 **2. COMMITTED ON OR AFTER OCTOBER 1, 2008, IS**
2 **NOT ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED THE GREATER OF:**

3 **A. TWO-THIRDS OF THE INMATE'S AGGREGATE**
4 **SENTENCE FOR VIOLENT CRIMES; OR**

5 **B. ONE-FOURTH OF THE INMATE'S TOTAL**
6 **AGGREGATE SENTENCE.**

7 (ii) An inmate who has been sentenced to the Division of
8 Correction after being convicted of a violent crime [committed on or after October 1,
9 1994,]:

10 **1. COMMITTED FROM OCTOBER 1, 1994, TO**
11 **SEPTEMBER 30, 2008, BOTH INCLUSIVE,** and who has been sentenced to more than
12 one term of imprisonment, including a term during which the inmate is eligible for
13 parole and a term during which the inmate is not eligible for parole, is not eligible for
14 parole until the inmate has served the greater of:

15 [1.] **A.** one-half of the inmate's aggregate sentence for
16 violent crimes;

17 [2.] **B.** one-fourth of the inmate's total aggregate
18 sentence; or

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

21 **2. COMMITTED ON OR AFTER OCTOBER 1, 2008, AND**
22 **WHO HAS BEEN SENTENCED TO MORE THAN ONE TERM OF IMPRISONMENT,**
23 **INCLUDING A TERM DURING WHICH THE INMATE IS ELIGIBLE FOR PAROLE AND**
24 **A TERM DURING WHICH THE INMATE IS NOT ELIGIBLE FOR PAROLE, IS NOT**
25 **ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED THE GREATER OF:**

26 **A. TWO-THIRDS OF THE INMATE'S AGGREGATE**
27 **SENTENCE FOR VIOLENT CRIMES;**

28 **B. ONE-FOURTH OF THE INMATE'S TOTAL**
29 **AGGREGATE SENTENCE; OR**

30 **C. A PERIOD EQUAL TO THE TERM DURING WHICH**
31 **THE INMATE IS NOT ELIGIBLE FOR PAROLE.**

32 (2) **(I)** An inmate who is serving a term of imprisonment for a
33 violent crime committed [on or after] **FROM** October 1, 1994, **TO SEPTEMBER 30,**

1 **2008, BOTH INCLUSIVE**, shall receive an administrative review of the inmate's
2 progress in the correctional facility after the inmate has served the greater of:

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

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

7 (II) **AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT**
8 **FOR A VIOLENT CRIME COMMITTED ON OR AFTER OCTOBER 1, 2008, SHALL**
9 **RECEIVE AN ADMINISTRATIVE REVIEW OF THE INMATE'S PROGRESS IN THE**
10 **CORRECTIONAL FACILITY AFTER THE INMATE HAS SERVED THE GREATER OF:**

11 1. **ONE-HALF OF THE INMATE'S AGGREGATE**
12 **SENTENCE; OR**

13 2. **IF THE INMATE IS SERVING A TERM OF**
14 **IMPRISONMENT THAT INCLUDES A MANDATORY TERM DURING WHICH THE**
15 **INMATE IS NOT ELIGIBLE FOR PAROLE, A PERIOD EQUAL TO THE TERM DURING**
16 **WHICH THE INMATE IS NOT ELIGIBLE FOR PAROLE.**

17 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
18 inmate who has been sentenced to life imprisonment is not eligible for parole
19 consideration until the inmate has served 15 years or the equivalent of 15 years
20 considering the allowances for diminution of the inmate's term of confinement under §
21 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

22 (2) An inmate who has been sentenced to life imprisonment as a result
23 of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
24 parole consideration until the inmate has served 25 years or the equivalent of 25 years
25 considering the allowances for diminution of the inmate's term of confinement under §
26 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.