

SB0279/253426/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Death Penalty – Repeal” and substitute “Repeal of Death Penalty and Minimum Sentence for First Degree Murder”; in line 4, after “penalty;” insert “requiring that a person convicted of murder in the first degree serve a certain minimum term before being eligible for parole consideration; prohibiting the deduction in advance from a term of confinement of an inmate if the inmate has been convicted of murder in the first degree until the inmate has served a certain term;”; in line 15, after “Prevention;” insert “providing for the application of certain provisions of this Act;”; and in line 17, after “penalty” insert “and a minimum sentence for first degree murder”.

On page 2, in line 5, after “Section” insert “3-704,”; in the same line, strike “4-305(b)(2)” and substitute “4-305(b)”; and in the same line, strike “7-301(d)(2)” and substitute “7-301(d)”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 5 through 11, inclusive; and strike in their entirety lines 21 through 27, inclusive.

AMENDMENT NO. 3

On page 24, in line 32, after “4.” insert “AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”

Article – Correctional Services

(Over)

3-704.

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

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

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

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

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

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

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

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

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

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

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

4-305.

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

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

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

(Over)

7-301.

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

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

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

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

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

SECTION 5."

AMENDMENT NO. 4

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "6.", "7.", "8.", and "10.", respectively; and after line 13, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any sentencing of a person or the allowance of diminution credits to an inmate who committed a murder in the first degree before the effective date of this Act.”.