

# SENATE BILL 322

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SB 152/08 – JPR

9lr1512

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By: **Senator Colburn**  
Introduced and read first time: January 28, 2009  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Corrections – First Degree Murder – Minimum Sentence**

3 FOR the purpose of requiring that a person convicted of murder in the first degree  
4 serve a certain minimum term before being eligible for parole consideration;  
5 prohibiting the deduction in advance from a term of confinement of an inmate if  
6 the inmate has been convicted of murder in the first degree until the inmate has  
7 served a certain term; providing for the application of this Act; and generally  
8 relating to eligibility for parole consideration or a deduction in advance from a  
9 term of confinement for murder in the first degree.

10 BY repealing and reenacting, with amendments,  
11 Article – Correctional Services  
12 Section 3–704, 4–305(b), and 7–301(d)  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2008 Supplement)

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

17 **Article – Correctional Services**

18 3–704.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

25 4–305.

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

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

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

3 7-301.

4           (d)   (1)    Except as provided in paragraphs (2) and (3) of this subsection, an  
5 inmate who has been sentenced to life imprisonment is not eligible for parole  
6 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  
10 result of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article] **FOR A**  
11 **MURDER IN THE FIRST DEGREE** is not eligible for parole consideration until the  
12 inmate has served 25 years [or the equivalent of 25 years considering the allowances  
13 for diminution of the inmate's term of confinement under § 6-218 of the Criminal  
14 Procedure Article and Title 3, Subtitle 7 of this article].

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

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

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

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
24 construed to apply only prospectively and may not be applied or interpreted to have  
25 any effect on or application to any sentencing of a person or the allowance of  
26 diminution credits to an inmate who committed a murder in the first degree before the  
27 effective date of this Act.

28           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2009.