

SENATE BILL 900

E2

9lr1947

By: **Senator McFadden**

Introduced and read first time: February 11, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – In Banc Review of Sentences – Parole Eligibility**

3 FOR the purpose of authorizing the parole of a certain person with the approval of a
4 certain three–judge panel sitting in banc; allowing certain individuals under
5 certain circumstances to seek in banc review of a judgment or determination on
6 any point or question relating to a conviction or sentence by filing a notice for in
7 banc review after a certain time; and generally relating to review of convictions
8 and sentences and parole eligibility.

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

14 BY adding to
15 Article – Criminal Procedure
16 Section 8–109
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 8–109
22 Annotated Code of Maryland
23 (2008 Replacement Volume)

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

26 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–305.

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

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

13 (3) An eligible person who is serving a term of life imprisonment may
14 be paroled only with the [Governor’s] approval **OF:**

15 (I) **THE GOVERNOR; OR**

16 (II) **A THREE–JUDGE PANEL SITTING IN BANC UNDER §**
17 **8–109 OF THE CRIMINAL PROCEDURE ARTICLE.**

18 7–301.

19 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
20 inmate who has been sentenced to life imprisonment is not eligible for parole
21 consideration until the inmate has served 15 years or the equivalent of 15 years
22 considering the allowances for diminution of the inmate’s term of confinement under §
23 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

24 (2) An inmate who has been sentenced to life imprisonment as a result
25 of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
26 parole consideration until the inmate has served 25 years or the equivalent of 25 years
27 considering the allowances for diminution of the inmate’s term of confinement under §
28 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

3 (I) the Governor; OR

4 (II) A THREE-JUDGE PANEL SITTING IN BANC UNDER §
5 **8-109 OF THE CRIMINAL PROCEDURE ARTICLE.**

6 **Article - Criminal Procedure**

7 **8-109.**

8 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN REVIEW BY A**
9 **COURT IN BANC IS AUTHORIZED BY THE MARYLAND CONSTITUTION, AN**
10 **INDIVIDUAL MAY HAVE A JUDGMENT OR DETERMINATION OF ANY POINT OR**
11 **QUESTION RELATING TO A CONVICTION OR SENTENCE REVIEWED BY A**
12 **THREE-JUDGE PANEL SITTING IN BANC BY FILING A NOTICE FOR IN BANC**
13 **REVIEW ANY TIME AFTER THE INDIVIDUAL HAS SERVED AT LEAST 20**
14 **CONTINUOUS YEARS OF IMPRISONMENT WITHOUT BEING RELEASED ON PAROLE**
15 **AS A RESULT OF THE CONVICTION AND SENTENCE.**

16 **[8-109.] 8-110.**

17 The Court of Appeals shall adopt rules to carry out this subtitle.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2009.