

SENATE BILL 172

E2

1lr1199

By: **Senators McFadden, Kelley, and Miller**
Introduced and read first time: January 24, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Approval**

3 FOR the purpose of repealing certain provisions that provide that inmates serving a
4 term of life imprisonment may be paroled only with the Governor's approval;
5 and generally relating to sentences of life imprisonment.

6 BY repealing and reenacting, with amendments,
7 Article – Correctional Services
8 Section 4–305(b) and 7–301(d)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2010 Supplement)

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

13 **Article – Correctional Services**

14 4–305.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 result
10 of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
11 parole consideration until the inmate has served 25 years or the equivalent of 25 years
12 considering the allowances for diminution of the inmate's term of confinement under §
13 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.