

SENATE BILL 584

E2

2lr1382
CF 2lr1268

By: **Senator McFadden**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Approval – Act Committed While a**
3 **Minor**

4 FOR the purpose of providing that a person or inmate who is eligible for parole and is
5 serving a sentence of life imprisonment based on the person's conviction of an
6 act committed while a minor may be paroled without the approval of the
7 Governor; and generally relating to sentences of life imprisonment.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 4–305(b) and 7–301(d)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 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 4–305.

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

22 (2) An inmate sentenced to life imprisonment as a result of a
23 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 when considering allowances for diminution of the inmate's period of confinement as

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure
2 Article.

3 (3) Subject to [paragraph (4)] **PARAGRAPHS (4) AND (5)** of this
4 subsection, an eligible person who is serving a term of life imprisonment may be
5 paroled only with the Governor’s approval.

6 (4) (i) If the Board of Review decides to grant parole to an eligible
7 person sentenced to life imprisonment who has served 25 years without application of
8 diminution of confinement credits, and the Secretary approves the decision, the
9 decision shall be transmitted to the Governor.

10 (ii) The Governor may disapprove the decision by written
11 transmittal to the Board of Review.

12 (iii) If the Governor does not disapprove the decision within 180
13 days after receipt, the decision becomes effective.

14 **(5) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE**
15 **IMPRISONMENT BASED ON THE PERSON’S CONVICTION OF AN ACT COMMITTED**
16 **WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.**

17 7–301.

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

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

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

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

34 (4) Subject to [paragraph (5)] **PARAGRAPHS (5) AND (6)** of this
35 subsection, if eligible for parole under this subsection, an inmate serving a term of life
36 imprisonment may only be paroled with the approval of the Governor.

1 (5) (i) If the Commission decides to grant parole to an inmate
2 sentenced to life imprisonment who has served 25 years without application of
3 diminution of confinement credits, the decision shall be transmitted to the Governor.

4 (ii) The Governor may disapprove the decision by written
5 transmittal to the Commission.

6 (iii) If the Governor does not disapprove the decision within 180
7 days after receipt, the decision becomes effective.

8 **(6) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS SERVING A**
9 **TERM OF LIFE IMPRISONMENT BASED ON THE INMATE'S CONVICTION OF AN ACT**
10 **COMMITTED WHILE A MINOR MAY BE PAROLED WITHOUT THE APPROVAL OF**
11 **THE GOVERNOR.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.