

Department of Legislative Services  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

Senate Bill 584 (Senator McFadden)  
Judicial Proceedings

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**Inmates - Life Imprisonment - Parole Approval - Act Committed While a Minor**

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This bill provides that a person who is eligible for parole and serving a sentence of life imprisonment based on the person's conviction of an act committed while a minor may be paroled without the approval of the Governor. The bill's provisions are extended to the parole considerations under the jurisdiction of the Maryland Parole Commission and the Patuxent Institution's Board of Review.

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**Fiscal Summary**

**State Effect:** Because the bill does not change statutory eligibility for parole or the factors used to determine the suitability of a person serving a life sentence for parole release, the bill's requirements can be accommodated with the existing budgeted resources of the Maryland Parole Commission and the Patuxent Institution's Board of Review.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Unless otherwise provided by statute, juvenile courts have jurisdiction over actions by children, who are defined for this purpose as individuals under the age of 18. Juvenile court does not have jurisdiction over a child at least 14 years old alleged to have done an act that, if committed by an adult, would be a crime punishable by death or life imprisonment. A juvenile convicted as an adult is remanded to an adult correctional facility.

The Maryland Parole Commission has the exclusive power to authorize the parole of an inmate in Division of Correction (DOC). The Board of Review of the Patuxent Institution has the exclusive power to recommend an inmate for parole to the Secretary of Public Safety and Correctional Services or the Governor.

A person sentenced to a term of incarceration of six months or more is entitled to a parole hearing after having served one-fourth of the term or consecutive terms. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having served one-half of the term. Certain persons are not eligible for parole while serving a mandatory minimum sentence. A person sentenced to life imprisonment is not eligible for parole consideration until that person has served 15 years. A person sentenced to life imprisonment for first degree murder is not eligible for parole consideration until that person has served 25 years. An inmate sentenced to life imprisonment without the possibility of parole is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence. This does not restrict the authority of the Governor to pardon or remit any part of a sentence.

Chapter 299 of 2008 established medical parole as a form of release from incarceration in a State or local correctional facility for incapacitated inmates who, as a result of a medical or mental health condition, disease, or syndrome, pose no danger to public safety. A medical parole for a person serving a life sentence requires the approval of the Governor.

Chapter 623 of 2011 provided that, if the Maryland Parole Commission or the Patuxent Institution's Board of Review decides to grant parole to an inmate sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, the decision must be transmitted to the Governor, who may disapprove the decision in writing within 180 days. However, if the Governor does not disapprove the decision within that timeframe, the decision to grant parole becomes effective. For individuals whose parole recommendation is pending approval by the Governor on October 1, 2011, and who have served 25 years without consideration for diminution credits, the Governor has 180 days after that date to disapprove the recommendation or the parole becomes effective.

Chapter 623 retained provisions requiring gubernatorial approval for parole of an eligible person or inmate serving a term of life imprisonment who has served 15 years considering allowances for diminution credits (or 25 years in the case of a person whose case started as a death penalty proceeding).

**Background:** There are 677 inmates currently incarcerated in DOC facilities for murder where the inmate was under the age 18 at the time of the offense. (This number includes inmates whose ages at the time of the offense are not reflected in the automated tracking

system.) This count does not include life sentences for other crimes, but does include life sentences suspended to a term of years. At Patuxent, there are 6 inmates with a straight life sentence and 55 who have a life sentence suspended to a term of years. Of the total of 61 at Patuxent, 18 were minors at the time of the offense.

Currently, eight Maryland Parole Commission recommendations to commute a life sentence are under consideration by the Governor. Three of these recommendations are for individuals who were minors at the time of the offense resulting in the life sentence. None of these inmates are at Patuxent.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services,  
Department of Legislative Services

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