

# HOUSE BILL 723

E2  
HB 882/16 – JUD

7lr2459  
CF SB 694

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By: **Delegates Queen, Anderson, Branch, Conaway, Glenn, Luedtke, Moon, Oaks,  
Proctor, Sanchez, Sydnor, and West**

Introduced and read first time: February 2, 2017

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Reform**

3 FOR the purpose of repealing certain provisions that provide that inmates serving a term  
4 of life imprisonment may be paroled only with the Governor's approval, subject to  
5 certain provisions; repealing certain provisions that require certain parole decisions  
6 to be transmitted to the Governor under certain circumstances; repealing certain  
7 provisions that authorize the Governor to disapprove certain parole decisions in a  
8 certain manner; repealing certain provisions that provide that if the Governor does  
9 not disapprove a certain parole decision in a certain manner within a certain time  
10 period, the decision becomes effective; making stylistic changes; making a technical  
11 correction; and generally relating to sentences of life imprisonment.

12 BY repealing and reenacting, with amendments,  
13 Article – Correctional Services  
14 Section 4–305(b) and 7–301(d)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2016 Supplement)

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

19 **Article – Correctional Services**

20 4–305.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

6 (2) An inmate sentenced to life imprisonment as a result of a proceeding  
7 under former § 2–303 (**DEATH PENALTY**) or § 2–304 (**IMPRISONMENT FOR LIFE**  
8 **WITHOUT THE POSSIBILITY OF PAROLE**) 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) Subject to paragraph (4) of this subsection, an eligible person who is  
14 serving a term of life imprisonment may be paroled only with the Governor's approval.

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

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

21 (iii) If the Governor does not disapprove the decision within 180 days  
22 after receipt, the decision becomes effective.]

23 7–301.

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

29 (2) An inmate who has been sentenced to life imprisonment as a result of  
30 a proceeding under former § 2–303 (**DEATH PENALTY**) or § 2–304 (**IMPRISONMENT FOR**  
31 **LIFE WITHOUT THE POSSIBILITY OF PAROLE**) of the Criminal Law Article is not eligible  
32 for parole consideration until the inmate has served 25 years or the equivalent of 25 years  
33 considering the allowances for diminution of the inmate's term of confinement under §  
34 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

35 (3) (i) If an inmate has been sentenced to imprisonment for life without  
36 the possibility of parole under § [2–203] **2–303** or § 2–304 of the Criminal Law Article, the

1 inmate is not eligible for parole consideration and may not be granted parole at any time  
2 during the inmate’s sentence.

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

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

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

11 (ii) The Governor may disapprove the decision by written  
12 transmittal to the Commission.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.