

HOUSE BILL 846

E2
SB 694/17 – JPR

8lr2656
CF SB 249

By: **Delegates Queen, Anderson, Conaway, Dumais, Gibson, Gutierrez, Hayes, Hill, Kelly, J. Lewis, Moon, Morales, Proctor, Sanchez, Sydnor, Tarlau, and Vallario**

Introduced and read first time: February 2, 2018
Assigned to: Judiciary

A BILL ENTITLED

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 (2017 Replacement Volume)

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.

21 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
22 sentenced to life imprisonment is not eligible for parole consideration until the inmate has
23 served 15 years or the equivalent of 15 years when considering allowances for diminution

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article
2 and § 6–218 of the Criminal Procedure Article.

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

10 [(3) Subject to paragraph (4) of this subsection, an eligible person who is
11 serving a term of life imprisonment may be paroled only with the Governor's approval.

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

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

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

20 7–301.

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

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

32 (3) (i) If an inmate has been sentenced to imprisonment for life without
33 the possibility of parole under § [2–203] **2–303** or § 2–304 of the Criminal Law Article, the
34 inmate is not eligible for parole consideration and may not be granted parole at any time
35 during the inmate's sentence.

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

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

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

9 (ii) The Governor may disapprove the decision by written
10 transmittal to the Commission.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.