

SENATE BILL 202

E2
SB 817/20 – JPR

(PRE-FILED)

11r0556

By: **Senators Kelley, Carter, Smith, and Waldstreicher**

Requested: August 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2021

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Parole – Life Imprisonment**

3 FOR the purpose of altering the time period that certain inmates sentenced to life
4 imprisonment must serve before becoming eligible for parole consideration;
5 repealing certain provisions that provide that inmates serving a term of life
6 imprisonment may be paroled only with the Governor’s approval, subject to certain
7 provisions; repealing certain provisions that require certain parole decisions to be
8 transmitted to the Governor under certain circumstances; repealing certain
9 provisions that authorize the Governor to disapprove certain parole decisions in a
10 certain manner; repealing certain provisions that provide that if the Governor does
11 not disapprove a certain parole decision in a certain manner within a certain time
12 period, the decision becomes effective; requiring certain decisions to be determined
13 by a certain vote of the Maryland Parole Commission; and generally relating to
14 parole.

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 4–305(b) ~~and~~, 7–301(d), and 7–307
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

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

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.



Article – Correctional Services

1
2 4–305.

3 (b) (1) Except as provided in paragraph (2) of this subsection[.]:

4 (I) an inmate sentenced to life imprisonment **AFTER BEING**
5 **CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible for
6 parole consideration until the inmate has served 15 years or the equivalent of 15 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; **AND**

10 (II) **AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
11 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
12 **OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
13 **INMATE HAS SERVED 20 YEARS ~~OR THE EQUIVALENT OF 20 YEARS WHEN~~**
14 **~~CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE’S PERIOD OF~~**
15 **~~CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND §~~**
16 **~~6–218 OF THE CRIMINAL PROCEDURE ARTICLE.~~**

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

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

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

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

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

32 7–301.

33 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection[.]:

1 **(I)** an inmate who has been sentenced to life imprisonment **AFTER**
2 **BEING CONVICTED OF A CRIME COMMITTED BEFORE OCTOBER 1, 2021**, is not eligible
3 for parole consideration until the inmate has served 15 years or the equivalent of 15 years
4 considering the allowances for diminution of the inmate's term of confinement under §
5 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article; **AND**

6 **(II) AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
7 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
8 **OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
9 **INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS CONSIDERING THE**
10 **ALLOWANCES FOR DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT UNDER §**
11 **6–218 OF THE CRIMINAL PROCEDURE ARTICLE AND TITLE 3, SUBTITLE 7 OF THIS**
12 **ARTICLE.**

13 (2) An inmate who has been sentenced to life imprisonment as a result of
14 a proceeding under former § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
15 parole consideration until the inmate has served 25 years or the equivalent of 25 years
16 considering the allowances for diminution of the inmate's term of confinement under §
17 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

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

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

30 (ii) The Governor may disapprove the decision by written
31 transmittal to the Commission.

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

34 7–307.

1 (a) (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
2 THE chairperson of the Commission shall assign at least two commissioners to hear cases
3 for parole release as a panel.

4 (2) Each proceeding before a Commission panel shall be conducted in
5 accordance with this section.

6 (b) (1) (i) A Commission panel that consists of two commissioners shall
7 determine, by unanimous vote, whether the inmate is suitable for parole in accordance with
8 the factors and other information specified in § 7–305 of this subtitle.

9 (ii) If the two–commissioner panel is unable to reach a unanimous
10 decision, the chairperson of the Commission shall convene a three–commissioner panel as
11 soon as practicable to rehear the case.

12 (2) A Commission panel that consists of three commissioners shall
13 determine, by majority vote, whether the inmate is suitable for parole in accordance with
14 the factors and other information specified in § 7–305 of this subtitle.

15 (c) (1) FOR AN INMATE WHO HAS BEEN SENTENCED TO LIFE
16 IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER
17 OCTOBER 1, 2021, THE PANEL SHALL CONSIST OF AT LEAST SIX COMMISSIONERS.

18 (2) A COMMISSION PANEL UNDER THIS SUBSECTION SHALL
19 DETERMINE, BY A VOTE OF SIX OF THE MEMBERS OF THE PANEL, WHETHER THE
20 INMATE IS SUITABLE FOR PAROLE IN ACCORDANCE WITH THE FACTORS AND OTHER
21 INFORMATION SPECIFIED IN § 7–305 OF THIS SUBTITLE.

22 [(c)] (D) (1) The Commission panel shall inform the inmate and the
23 appropriate correctional authority of the Commission’s decision as soon as possible.

24 (2) If parole is denied, the Commission shall give the inmate a written
25 report of its findings within 30 days after the hearing.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2021.