

Chapter 30

(Senate Bill 202 of the 2021 Regular Session)

AN ACT concerning

Correctional Services – Parole – Life Imprisonment

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

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

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

Article – Correctional Services

4–305.

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

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

(II) **AN INMATE WHO HAS BEEN SENTENCED TO LIFE IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER OCTOBER 1, 2021, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**

~~INMATE HAS SERVED 20 YEARS OR THE EQUIVALENT OF 20 YEARS WHEN CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE'S PERIOD OF CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE OR THE EQUIVALENT OF 20 YEARS WHEN CONSIDERING ALLOWANCES FOR DIMINUTION OF THE INMATE'S PERIOD OF CONFINEMENT AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF THIS ARTICLE AND § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE.~~

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

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

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

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

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

7-301.

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

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

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

~~**ARTICLE OR THE EQUIVALENT OF 20 YEARS CONSIDERING THE ALLOWANCES FOR DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT UNDER § 6-218 OF THE CRIMINAL PROCEDURE ARTICLE AND TITLE 3, SUBTITLE 7 OF THIS ARTICLE.**~~

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

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

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

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

(5) (i) If the Commission 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 shall be transmitted to the Governor.

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

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

7-307.

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

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

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

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

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

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

~~(2) A COMMISSION PANEL UNDER THIS SUBSECTION SHALL DETERMINE, BY A VOTE OF SIX OF THE MEMBERS OF THE PANEL, WHETHER THE INMATE IS SUITABLE FOR PAROLE IN ACCORDANCE WITH THE FACTORS AND OTHER INFORMATION AT LEAST SIX AFFIRMATIVE VOTES ARE REQUIRED TO APPROVE THE INMATE FOR PAROLE, BASED ON CONSIDERATION OF THE FACTORS SPECIFIED IN § 7-305 OF THIS SUBTITLE.~~

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

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

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

Gubernatorial Veto Override, December 7, 2021.