

HOUSE BILL 1134

E5

2lr2773

By: **Delegate Boteler**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Parole Eligibility – Child Abuse**

3 FOR the purpose of requiring that an inmate convicted of child abuse involving a victim
4 under a certain age committed on or after a certain date serve a certain portion of a
5 certain sentence before becoming eligible for parole; and generally relating to parole.

6 BY repealing and reenacting, with amendments

7 Article – Correctional Services

8 Section 7–301(c) and (d)

9 Annotated Code of Maryland

10 (2017 Replacement Volume and 2021 Supplement)

11 (As enacted by Chapter 30 of the Acts of the General Assembly of the Special Session
12 of 2021)

13 BY adding to

14 Article – Correctional Services

15 Section 7–301(f)

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2021 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

21 7–301.

22 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph AND
23 **SUBSECTION (F) OF THIS SECTION**, an inmate who has been sentenced to the Division of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Correction after being convicted of a violent crime committed on or after October 1, 1994,
2 is not eligible for parole until the inmate has served the greater of:

3 1. one-half of the inmate's aggregate sentence for violent
4 crimes; or

5 2. one-fourth of the inmate's total aggregate sentence.

6 (ii) An inmate who has been sentenced to the Division of Correction
7 after being convicted of a violent crime committed on or after October 1, 1994, and who has
8 been sentenced to more than one term of imprisonment, including a term during which the
9 inmate is eligible for parole and a term during which the inmate is not eligible for parole,
10 is not eligible for parole until the inmate has served the greater of:

11 1. one-half of the inmate's aggregate sentence for violent
12 crimes;

13 2. one-fourth of the inmate's total aggregate sentence; or

14 3. a period equal to the term during which the inmate is not
15 eligible for parole.

16 (2) An inmate who is serving a term of imprisonment for a violent crime
17 committed on or after October 1, 1994, shall receive an administrative review of the
18 inmate's progress in the correctional facility after the inmate has served the greater of:

19 (i) one-fourth of the inmate's aggregate sentence; or

20 (ii) if the inmate is serving a term of imprisonment that includes a
21 mandatory term during which the inmate is not eligible for parole, a period equal to the
22 term during which the inmate is not eligible for parole.

23 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND**
24 **SUBSECTION (F) OF THIS SECTION:**

25 (i) an inmate who has been sentenced to life imprisonment after
26 being convicted of a crime committed before October 1, 2021, is not eligible for parole
27 consideration until the inmate has served 15 years or the equivalent of 15 years considering
28 the allowances for diminution of the inmate's term of confinement under § 6-218 of the
29 Criminal Procedure Article and Title 3, Subtitle 7 of this article; and

30 (ii) an inmate who has been sentenced to life imprisonment after
31 being convicted of a crime committed on or after October 1, 2021, is not eligible for parole
32 consideration until the inmate has served 20 years or the equivalent of 20 years considering
33 the allowances for diminution of the inmate's term of confinement under § 6-218 of the
34 Criminal Procedure Article and Title 3, Subtitle 7 of this article.

1 (2) An inmate who has been sentenced to life imprisonment as a result of
2 a proceeding under former § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
3 parole consideration until the inmate has served 25 years or the equivalent of 25 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.

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

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

12 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
13 **AN INMATE WHO HAS BEEN SENTENCED TO THE DIVISION OF CORRECTION FOR A**
14 **TERM OF YEARS AFTER BEING CONVICTED OF CHILD ABUSE UNDER § 3–601 OF THE**
15 **CRIMINAL LAW ARTICLE INVOLVING A VICTIM UNDER THE AGE OF 14 YEARS**
16 **COMMITTED ON OR AFTER OCTOBER 1, 2022, IS NOT ELIGIBLE FOR PAROLE UNTIL**
17 **THE INMATE HAS SERVED THREE–FOURTHS OF THE INMATE’S TOTAL AGGREGATE**
18 **SENTENCE.**

19 **(2) AN INMATE WHO HAS BEEN SENTENCED TO THE DIVISION OF**
20 **CORRECTION FOR A TERM OF YEARS AFTER BEING CONVICTED OF CHILD ABUSE**
21 **UNDER § 3–601 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM UNDER THE**
22 **AGE OF 14 YEARS COMMITTED ON OR AFTER OCTOBER 1, 2022, AND WHO HAS BEEN**
23 **SENTENCED TO MORE THAN ONE TERM OF IMPRISONMENT, INCLUDING A TERM**
24 **DURING WHICH THE INMATE IS ELIGIBLE FOR PAROLE AND A TERM DURING WHICH**
25 **THE INMATE IS NOT ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE UNTIL**
26 **THE INMATE HAS SERVED THE GREATER OF:**

27 **(I) THREE–FOURTHS OF THE INMATE’S TOTAL AGGREGATE**
28 **SENTENCE; OR**

29 **(II) A PERIOD EQUAL TO THE TERM DURING WHICH THE INMATE**
30 **IS NOT ELIGIBLE FOR PAROLE.**

31 **(3) AN INMATE WHO HAS BEEN SENTENCED TO LIFE IMPRISONMENT**
32 **AFTER BEING CONVICTED OF CHILD ABUSE UNDER § 3–601 OF THE CRIMINAL LAW**
33 **ARTICLE INVOLVING A VICTIM UNDER THE AGE OF 14 YEARS COMMITTED ON OR**
34 **AFTER OCTOBER 1, 2022, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
35 **INMATE HAS SERVED 30 YEARS WITHOUT APPLICATION OF DIMINUTION OF**
36 **CONFINEMENT CREDITS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.