



PREPARE
PREpare for PARole and REentry

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HB0697 - Correctional Services - Diminution of a Term of Confinement - INFO

First Degree Murder currently carries a mandatory minimum sentence of Life. The primary function of diminution credits for an individual with a conviction of First Degree Murder is not to advance a release date, but to determine parole eligibility under Correctional Services § 7-301 (d) so the initial parole hearing can be set. Parole eligibility is calculated as either 15 years minus diminution credits (for crimes before 10/1/2021), 20 years minus diminution credits (for crimes on or after 10/1/2021) or 25 years minus diminution credits (for crimes with a sentencing hearing under former § 2–303 or § 2–304 of the Criminal Law Article). This is already a burdensome administrative process that requires a manual calculation by DPSCS Commitment, but this is only the beginning.

Case law and later statutory changes further muddied the waters over the years. *Hanson v. Hughes* (1982) made suspended Life sentences the only sentence where parole eligibility was calculated based on the suspended sentence rather than executed sentence. Then on October 1, 2009, CS 7-501 (b) made some suspended life sentences mathematically ineligible for diminution credits under *Hanson*. *Cathcart v. State*, 397 Md. 320 (2007) divided suspended Life cases based on whether they have a probation order and *Greco v. State*, 423 Md. 450 (2011) further divided them based on whether the conviction is for First Degree Murder. This also rendered some Life sentences illegal and sent numerous individuals back to court for resentencing. SB0198 bifurcated the calculation for First Degree Rape on October 1, 2025. The complexity and ambiguity surrounding parole eligibility in Life sentences results in misinformation being disseminated, hearings being missed or erroneously scheduled, State agencies and community organizations doing double work to validate eligibility and correct errors, and uncertainty for incarcerated individuals and victims who wish to engage in the process. HB0697 would be yet another split in this already overcomplicated decision tree.

HB0697 highlights an important problem, but does not solve it. Unpacking the decades of policy, statutory changes and court rulings related to Life sentence parole eligibility requires a thorough review of existing statute and case law and intentional design of a functional and comprehensible system. I urge you to consider a collaborative approach through a Commission that is inclusive of all stakeholders where research and review can be undertaken and a meaningful and balanced process simplification can be created and presented when the work is complete.

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