

HOUSE BILL 715

E5

3lr2581

By: **Delegate Grammer**

Introduced and read first time: February 7, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Violent Crime – Parole**

3 FOR the purpose of altering the portion of a sentence that must be served before a certain
4 inmate convicted of a certain violent crime committed on or after a certain date can
5 be paroled; altering the number of years that must be served before a certain inmate
6 who has been sentenced to life imprisonment on or after a certain date can be
7 paroled; and generally relating to parole.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–301(c) and (d)
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Correctional Services
15 Section 7–501
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2022 Supplement)

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

Article – Correctional Services

20 7–301.

22 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph[,]:

23 1. 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 **AND BEFORE OCTOBER 1, 2023**, is not eligible for parole until the inmate has served the
 3 greater of:

4 [1.] A. one-half of the inmate's aggregate sentence for
 5 violent crimes; or

6 [2.] B. one-fourth of the inmate's total aggregate sentence;
 7 **AND**

8 **2. AN INMATE WHO HAS BEEN SENTENCED TO THE**
 9 **DIVISION OF CORRECTION AFTER BEING CONVICTED OF A VIOLENT CRIME**
 10 **COMMITTED ON OR AFTER OCTOBER 1, 2023, IS NOT ELIGIBLE FOR PAROLE UNTIL**
 11 **THE INMATE HAS SERVED THE GREATER OF:**

12 **A. 85% OF THE INMATE'S AGGREGATE SENTENCE FOR**
 13 **VIOLENT CRIMES; OR**

14 **B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE**
 15 **SENTENCE.**

16 (ii) 1. An inmate who has been sentenced to the Division of
 17 Correction after being convicted of a violent crime committed on or after October 1, 1994,
 18 **AND BEFORE OCTOBER 1, 2023**, and who has been sentenced to more than one term of
 19 imprisonment, including a term during which the inmate is eligible for parole and a term
 20 during which the inmate is not eligible for parole, is not eligible for parole until the inmate
 21 has served the greater of:

22 [1.] A. one-half of the inmate's aggregate sentence for
 23 violent crimes;

24 [2.] B. one-fourth of the inmate's total aggregate sentence;
 25 or

26 [3.] C. a period equal to the term during which the inmate
 27 is not eligible for parole.

28 **2. AN INMATE WHO HAS BEEN SENTENCED TO THE**
 29 **DIVISION OF CORRECTION AFTER BEING CONVICTED OF A VIOLENT CRIME**
 30 **COMMITTED ON OR AFTER OCTOBER 1, 2023, AND WHO HAS BEEN SENTENCED TO**
 31 **MORE THAN ONE TERM OF IMPRISONMENT, INCLUDING A TERM DURING WHICH THE**
 32 **INMATE IS ELIGIBLE FOR PAROLE AND A TERM DURING WHICH THE INMATE IS NOT**
 33 **ELIGIBLE FOR PAROLE, IS NOT ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS**
 34 **SERVED THE GREATER OF:**

1 A. 85% OF THE INMATE'S AGGREGATE SENTENCE FOR
2 VIOLENT CRIMES;

3 B. ONE-FOURTH OF THE INMATE'S TOTAL AGGREGATE
4 SENTENCE; OR

5 C. A PERIOD EQUAL TO THE TERM DURING WHICH THE
6 INMATE IS NOT ELIGIBLE FOR PAROLE.

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

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

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

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

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

20 (ii) an inmate who has been sentenced to life imprisonment after
21 being convicted of a crime committed on or after October 1, 2021, **AND BEFORE OCTOBER**
22 **1, 2023**, is not eligible for parole consideration until the inmate has served 20 years or the
23 equivalent of 20 years considering the allowances for diminution of the inmate's term of
24 confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this
25 article; **AND**

26 **(III) AN INMATE WHO HAS BEEN SENTENCED TO LIFE**
27 **IMPRISONMENT AFTER BEING CONVICTED OF A CRIME COMMITTED ON OR AFTER**
28 **OCTOBER 1, 2023, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION UNTIL THE**
29 **INMATE HAS SERVED 40 YEARS WITHOUT APPLICATION OF DIMINUTION CREDITS.**

30 (2) An inmate who has been sentenced to life imprisonment as a result of
31 a proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
32 parole consideration until the inmate has served 25 years or the equivalent of 25 years
33 considering the allowances for diminution of the inmate's term of confinement under §
34 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

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

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

7 7–501.

8 (a) Except as provided in subsection (b) of this section, the Division of Correction
9 shall grant a conditional release from confinement to an inmate who:

10 (1) is serving a term of confinement of more than 18 months;

11 (2) was sentenced on or after July 2, 1970, to the jurisdiction of the Division
12 of Correction; and

13 (3) has served the term or terms, less diminution credit awarded under
14 Title 3, Subtitle 7 and Title 11, Subtitle 5 of this article.

15 (b) An inmate convicted of a violent crime committed on or after October 1, 2009,
16 is not eligible for a conditional release under this section until after the inmate becomes
17 eligible for parole under § 7–301(c) or (d) of this title.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2023.