

HOUSE BILL 638

E4, E2

9lr2458
CF 9lr1872

By: **Delegates Waldstreicher and Vallario**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Violent Crimes – Conditional Release Under Mandatory Supervision –**
3 **Limitation**

4 FOR the purpose of establishing that an inmate convicted of a certain violent crime
5 committed on or after a certain date is not eligible for a certain conditional
6 release until after the inmate becomes eligible for parole; requiring a court,
7 when a sentence of confinement is imposed for a certain violent crime, to state
8 in open court the minimum time a certain defendant must serve before
9 becoming eligible for a certain conditional release under mandatory supervision;
10 and generally relating to imposing sentences.

11 BY repealing and reenacting, without amendments,
12 Article – Correctional Services
13 Section 7–301(c) and (d)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 7–501
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Procedure
23 Section 6–217
24 Annotated Code of Maryland
25 (2008 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 7–301.

3 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
4 an inmate who has been sentenced to the Division of Correction after being convicted
5 of a violent crime committed on or after October 1, 1994, is not eligible for parole until
6 the inmate has served the greater of:

7 1. one-half of the inmate’s aggregate sentence for
8 violent crimes; or

9 2. one-fourth of the inmate’s total aggregate sentence.

10 (ii) An inmate who has been sentenced to the Division of
11 Correction after being convicted of a violent crime committed on or after October 1,
12 1994, and who has been sentenced to more than one term of imprisonment, including a
13 term during which the inmate is eligible for parole and a term during which the
14 inmate is not eligible for parole, is not eligible for parole until the inmate has served
15 the greater of:

16 1. one-half of the inmate’s aggregate sentence for
17 violent crimes;

18 2. one-fourth of the inmate’s total aggregate sentence;
19 or

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

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

26 (i) one-fourth of the inmate’s aggregate sentence; or

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

30 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
31 inmate who has been sentenced to life imprisonment is not eligible for parole
32 consideration until the inmate has served 15 years or the equivalent of 15 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 (2) An inmate who has been sentenced to life imprisonment as a result
2 of a proceeding under § 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
7 without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article,
8 the inmate is not eligible for parole consideration and may not be granted parole at
9 any time during the inmate's sentence.

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

12 (4) If eligible for parole under this subsection, an inmate serving a
13 term of life imprisonment may only be paroled with the approval of the Governor.

14 7-501.

15 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
16 **THE** Division of Correction shall grant a conditional release from confinement to an
17 inmate who:

18 (1) is serving a term of confinement of more than 12 months;

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

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

23 (B) **AN INMATE CONVICTED OF A VIOLENT CRIME COMMITTED ON OR**
24 **AFTER OCTOBER 1, 2009, IS NOT ELIGIBLE FOR A CONDITIONAL RELEASE**
25 **UNDER THIS SECTION UNTIL AFTER THE INMATE BECOMES ELIGIBLE FOR**
26 **PAROLE UNDER § 7-301(C) OR (D) OF THIS TITLE.**

27 **Article - Criminal Procedure**

28 6-217.

29 (a) When a sentence of confinement that is to be served is imposed for a
30 violent crime as defined in § 7-101 of the Correctional Services Article for which a
31 defendant will be eligible for parole under § 7-301(c) or (d) of the Correctional Services
32 Article, the court shall state in open court the minimum time the defendant must
33 serve before becoming eligible for parole **AND BEFORE BECOMING ELIGIBLE FOR**
34 **CONDITIONAL RELEASE UNDER MANDATORY SUPERVISION UNDER § 7-501 OF**
35 **THE CORRECTIONAL SERVICES ARTICLE.**

1 (b) The statement required by subsection (a) of this section is for information
2 only and is not a part of the sentence.

3 (c) The failure of a court to comply with subsection (a) of this section does
4 not affect the legality or efficacy of the sentence.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.