

**SB0281/953327/1**

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 281  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting the earning of diminution credits to reduce the term of confinement of an inmate who is serving a sentence for a certain crime of violence involving a firearm in a State or local correctional facility; eliminating parole eligibility for a person who is serving a term of confinement for a certain crime of violence involving a firearm; providing that certain provisions of this Act do not restrict a certain authority of the Governor to pardon or remit a certain sentence;”; and in line 16, after “violence;” insert “prohibiting a person who has been convicted of a certain crime of violence involving a firearm from entering into a plea agreement;”.

On page 2, after line 21, insert:

“BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 3–702, 7–301, and 11–502  
Annotated Code of Maryland  
(2008 Replacement Volume and 2012 Supplement)”;

and after line 26, insert:

“BY adding to  
Article – Criminal Procedure  
Section 6–234  
Annotated Code of Maryland  
(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

(Over)

On page 3, after line 7, insert:

“Article – Correctional Services

3–702.

(a) Subject to subsections (b) [and], (c), AND (D) of this section, § 3–711 of this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner is entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(b) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, § 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(c) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle, if the inmate was previously convicted of a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

**(D) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM IS NOT ENTITLED TO A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

7–301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in

a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one-fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.

(Over)

(b) Except as provided in subsection (c) of this section, if an inmate has been sentenced to a term of imprisonment during which the inmate is eligible for parole and a term of imprisonment during which the inmate is not eligible for parole, the inmate is not eligible for parole consideration under subsection (a) of this section until the inmate has served the greater of:

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

(2) a period equal to the term during which the inmate is not eligible for parole.

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

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

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

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

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

2. one-fourth of the inmate's total aggregate sentence;  
or
3. a period equal to the term during which the inmate is not eligible for parole.

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

- (i) one-fourth of the inmate's aggregate sentence; or
- (ii) if the inmate is serving a term of imprisonment that includes a mandatory term during which the inmate is not eligible for parole, a period equal to the term during which the inmate is not eligible for parole.

**(D) (1) AN INMATE IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE IF THE INMATE IS SERVING A TERM OF IMPRISONMENT FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM.**

**(2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER § 7-601 OF THIS TITLE.**

**[(d)] (E) (1) Except as provided in paragraphs (2) and (3) of this subsection, an inmate who has been sentenced to life imprisonment 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.

(2) An inmate who has been sentenced to life imprisonment as a result of a proceeding under § 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.

(a) Except as provided in subsections (b) [and], (c), AND (D) of this section, an inmate who has been sentenced to a term of imprisonment shall be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(b) (1) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a child under the age of 16 years may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(c) (1) An inmate who is serving a sentence for a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, who has previously been convicted of violating § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

**(D) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR**

ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED.”.

On page 10, after line 27, insert:

“Article – Criminal Procedure

6-234.

A PERSON WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM MAY NOT ENTER INTO A PLEA AGREEMENT.”.