

HOUSE BILL 639

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By: **Delegates Cluster, Boteler, Clippinger, Hough, McComas, McDermott, and Smigiel**

Introduced and read first time: February 9, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Parole – Eligibility**

3 FOR the purpose of increasing the minimum period that an inmate must be sentenced
4 to serve before becoming eligible to be considered for an investigation by the
5 Division of Parole and Probation or the Division of Correction to enable the
6 Maryland Parole Commission to determine the advisability of granting parole to
7 the inmate; and generally relating to the parole of inmates.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–301(a)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

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

15 **Article – Correctional Services**

16 7–301.

17 (a) (1) Except as otherwise provided in this section, the Commission shall
18 request that the Division of Parole and Probation make an investigation for inmates in
19 a local correctional facility and the Division of Correction make an investigation for
20 inmates in a State correctional facility that will enable the Commission to determine
21 the advisability of granting parole to an inmate who:

22 (i) has been sentenced under the laws of the State to serve a
23 term of [6 months] **1 YEAR** or more in a correctional facility; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6,
14 § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the
15 Criminal Law Article; and

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.