

HOUSE BILL 1392

E2, E1

7lr3122

By: **Delegates Sanchez, Moon, and Sydnor**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Imposition of Life Without the Possibility of Parole for**
3 **Persons Found Guilty of Murder in the First Degree**

4 FOR the purpose of establishing the Task Force to Study the Imposition of Life Without
5 the Possibility of Parole for Persons Found Guilty of Murder in the First Degree;
6 providing for the composition, chair, and staffing of the Task Force; prohibiting a
7 member of the Task Force from receiving certain compensation, but authorizing the
8 reimbursement of certain expenses; requiring the Task Force to study and make
9 recommendations regarding certain matters; requiring the Task Force to report its
10 findings and recommendations to the Governor and the General Assembly on or
11 before a certain date; providing for the termination of this Act; and generally relating
12 to the Task Force to Study the Imposition of Life Without the Possibility of Parole
13 for Persons Found Guilty of Murder in the First Degree.

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That:

16 (a) There is a Task Force to Study the Imposition of Life Without the Possibility
17 of Parole for Persons Found Guilty of Murder in the First Degree.

18 (b) The Task Force consists of the following members:

19 (1) three members of the Senate of Maryland, appointed by the President
20 of the Senate;

21 (2) three members of the House of Delegates, appointed by the Speaker of
22 the House;

23 (3) the Executive Director of the Maryland State's Attorney's Association,
24 or the Executive Director's designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) two members of the public who are experts in the subject matter of criminal sentencing, recommended by the Executive Director of the Maryland State's Attorney's Association and appointed by the Governor; and

(6) two members of the public who are experts in the subject matter of criminal sentencing, recommended by the Public Defender of the State of Maryland and appointed by the Governor.

(c) The members of the Task Force shall designate the chair of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review the statutory authority for the imposition of a sentence of life without the possibility of parole for murder in the first degree in the State;

(2) review the policies and practices of courts in the State regarding a sentence of life without the possibility of parole for murder in the first degree;

(3) examine the constitutional, statutory, and legislative history of the imposition of a sentence of life without the possibility of parole for murder in the first degree by a judge or jury;

(4) examine whether threshold factors should be mandated to more precisely identify defendants who receive a sentence of life without the possibility of parole for murder in the first degree, including whether exclusions should exist for juveniles or those with mental illness;

(5) examine whether charging guidelines should exist to guide prosecutorial discretion in seeking the imposition of a sentence of life without the possibility of parole for murder in the first degree; and

(6) identify and make recommendations regarding changes in policies and practices necessary to address any issues regarding the imposition of a sentence of life without the possibility of parole for murder in the first degree.

1 (g) On or before December 31, 2017, the Task Force shall report its findings and
2 recommendations to the Governor and, in accordance with § 2-1246 of the State
3 Government Article, the General Assembly.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2017. It shall remain effective for a period of 1 year and 1 month and, at the end of June
6 30, 2018, with no further action required by the General Assembly, this Act shall be
7 abrogated and of no further force and effect.