



Department of Public Safety and Correctional Services

Maryland Parole Commission

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Application for Pardon Statutory Provisions Supplement

The Application for Pardon guide and the application itself refer to sections of the Annotated Code of Maryland and utilize various legal terms. Enclosed for ready reference are copies of those sections and relevant definitions, including an extensive definition of “infamous crime” prepared by the State Board of Elections Assistant Attorneys General (2005).

Criminal Law Article

Section 14-101(a). Crimes of Violence.

(Definition used for voter eligibility (see below), not for pardon eligibility)

(a) In this section, "crime of violence" means:

- (1) abduction;
- (2) arson in the first degree;
- (3) kidnapping;
- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3-402 or § 3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a handgun in the commission of a felony or other crime of violence;
- (15) an attempt to commit any of the crimes described in items (1) through (14) of this subsection;
- (16) assault in the first degree;
- (17) assault with intent to murder;
- (18) assault with intent to rape;
- (19) assault with intent to rob;
- (20) assault with intent to commit a sexual offense in the first degree; and
- (21) assault with intent to commit a sexual offense in the second degree.

Elections Article

Section 3-102

(a) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (1) is a citizen of the United States;
- (2) is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the State as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

(b) An individual is not qualified to be a registered voter if the individual:

- (1) has been convicted of theft or other infamous crime, unless the individual:
 - (i) has been pardoned; or
 - (ii)
 1. in connection with a first conviction, has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines; or
 2. in connection with a subsequent conviction, has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines, and at least 3 years have elapsed since the completion of the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines;
- (2) is under guardianship for mental disability; or
- (3) has been convicted of buying or selling votes.

(c) Notwithstanding subsection (b) of this section, an individual is not qualified to be a registered voter if the individual has been convicted of a second or subsequent crime of violence, as defined in § 14-101 of the Criminal Law Article.

Public Safety Article

Section 5-101(c). Crime of Violence.

(c) "Crime of violence" means:

- (1) abduction;
- (2) arson in the first degree;
- (3) assault in the first or second degree;
- (4) burglary in the first, second, or third degree;
- (5) carjacking and armed carjacking;
- (6) escape in the first degree;
- (7) kidnapping;
- (8) voluntary manslaughter;
- (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- (11) murder in the first or second degree;
- (12) rape in the first or second degree;
- (13) robbery;
- (14) robbery with a dangerous weapon;
- (15) sexual offense in the first, second, or third degree;
- (16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or

(17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

Section 5-101(g). Disqualifying Crime.

(g) "Disqualifying crime" means:

- (1) a crime of violence;
- (2) a violation classified as a felony in the State; or
- (3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

Section 5-133(b)(1) & (2). Restrictions on Possession of Regulated Firearms.

(b) A person may not possess a regulated firearm if the person:

- (1) has been convicted of a disqualifying crime;
- (2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years ...

has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years ... has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years ...