

SENATE BILL 33

E5
SB 774/22 – JPR

(PRE-FILED)

3lr1005
CF HB 47

By: **Senator Carter**

Requested: November 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2023

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – ~~Medical~~ Parole – Life Imprisonment**

3 FOR the purpose of repealing provisions relating to gubernatorial approval of a decision of
4 the Maryland Parole Commission to grant ~~medical~~ parole to an inmate serving a
5 term of life imprisonment; and generally relating to ~~medical~~ parole.

6 BY repealing and reenacting, with amendments,

7 Article – Correctional Services

8 Section 7–206 and 7–309

9 Annotated Code of Maryland

10 (2017 Replacement Volume and 2022 Supplement)

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

13 **Article – Correctional Services**

14 7–206.

15 The Commission shall:

16 (1) evaluate information on the activities of parolees that the Division of
17 Parole and Probation reports;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) issue warrants or delegate to the Director of the Division of Parole and Probation the authority to issue warrants to retake parolees who are charged with violating a condition of parole;

(3) IF REQUESTED BY THE GOVERNOR, review and make recommendations to the Governor[:]

(i) concerning parole of an inmate under a sentence of life imprisonment; and

(ii) if requested by the Governor,] concerning a pardon, commutation of sentence, or other clemency;

(4) establish and modify general policy governing the conduct of parolees; and

(5) arrange for psychiatric or psychological examination of applicants for parole whenever the Commission believes that an examination will better enable it to decide on the advisability of parole, and include the expense for the examination in its annual budget.

7–309.

(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.

(b) An inmate who is so chronically debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7–301 of this subtitle.

(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:

(i) the inmate seeking the medical parole;

(ii) an attorney;

(iii) a prison official or employee;

(iv) a medical professional;

(v) a family member; or

(vi) any other person.

1 (2) The request shall be in writing and shall articulate the grounds that
2 support the appropriateness of granting the medical parole.

3 (d) Following review of the request, the Commission may:

4 (1) find the request to be inconsistent with the best interests of public
5 safety and take no further action; or

6 (2) request that department or local correctional facility personnel provide
7 information for formal consideration of parole release.

8 (e) The information to be considered by the Commission before granting medical
9 parole shall, at a minimum, include:

10 (1) (i) a recommendation by the medical professional treating the
11 inmate under contract with the Department or local correctional facility; or

12 (ii) if requested by an individual identified in subsection (c)(1) of this
13 section, one medical evaluation conducted at no cost to the inmate by a medical professional
14 who is independent from the Division of Correction or local correctional facility;

15 (2) the inmate's medical information, including:

16 (i) a description of the inmate's condition, disease, or syndrome;

17 (ii) a prognosis concerning the likelihood of recovery from the
18 condition, disease, or syndrome;

19 (iii) a description of the inmate's physical incapacity and score on the
20 Karnofsky Performance Scale Index or similar classification of physical impairment; and

21 (iv) a mental health evaluation, where relevant;

22 (3) discharge information, including:

23 (i) availability of treatment or professional services within the
24 community;

25 (ii) family support within the community; and

26 (iii) housing availability, including hospital or hospice care; and

27 (4) case management information, including:

28 (i) the circumstances of the current offense;

(ii) institutional history;

(iii) pending charges, sentences in other jurisdictions, and any other
detainers; and

(iv) criminal history information.

(f) The Commission may require as a condition of release on medical parole that:

(1) the parolee agree to placement for a definite or indefinite period of time
in a hospital or hospice or other housing accommodation suitable to the parolee's medical
condition, including the family home of the parolee, as specified by the Commission or the
supervising agent; and

(2) the parolee forward authentic copies of applicable medical records to
indicate that the particular medical condition giving rise to the release continues to exist.

(g) (1) If the Commission has reason to believe that a parolee is no longer so
debilitated or incapacitated as to be physically incapable of presenting a danger to society,
the parolee shall be returned to the custody of the Division of Correction or the local
correctional facility from which the inmate was released.

(2) (i) A parole hearing for a parolee returned to custody shall be held
to consider whether the parolee remains incapacitated and shall be heard promptly.

(ii) A parolee returned to custody under this subsection shall be
maintained in custody, if the incapacitation is found to no longer exist.

(3) An inmate whose medical parole is revoked for lack of continued
incapacitation may be considered for parole in accordance with the eligibility requirements
specified in § 7-301 of this subtitle.

(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to
victim notification and opportunity to be heard shall apply to proceedings relating to
medical parole.

(2) In cases of imminent death, time limits relating to victim notification
and opportunity to be heard may be reduced or waived in the discretion of the Commission.

[(i) (1) If the Commission decides to grant medical parole to an inmate
sentenced to life imprisonment, the decision shall be transmitted to the Governor.

(2) The Governor may disapprove the decision by written transmittal to
the Commission.

(3) If the Governor does not disapprove the decision within 180 days after
receipt of the written transmittal, the decision becomes effective.]

1 **[(j)] (I)** The Commission shall issue regulations to implement the provisions of
2 this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.