

HOUSE BILL 1147

E5

5lr3151

By: **Delegate Embry**

Introduced and read first time: February 5, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Maryland Parole Commission – Improvements in**
3 **Transparency and Equity**

4 FOR the purpose of requiring the annual report of the Maryland Parole Commission to
5 include certain information; altering a certain provision of law to require the
6 Commission to provide certain documents to a certain incarcerated individual at a
7 certain time, rather than allow the incarcerated individual to examine the
8 documents on request; requiring the Commission to document, state on the record,
9 provide to an incarcerated individual, and make available to the public certain
10 information; altering the time periods within which the Commission is required to
11 issue certain reports; providing that the Commission does not have the authority to
12 permanently deny parole; providing that a certain incarcerated individual is entitled
13 to a subsequent parole hearing at a certain time; requiring the Commission to record
14 and transcribe each hearing at a certain time; requiring each hearing transcript to
15 be made available to the public, to be redacted in a certain manner, to be retained
16 for a certain amount of time, and to contain certain materials; and generally relating
17 to the Maryland Parole Commission.

18 BY repealing and reenacting, with amendments,
19 Article – Correctional Services
20 Section 7–208, 7–303, 7–304(b), 7–306, and 7–307
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2024 Supplement)

23 BY adding to
24 Article – Correctional Services
25 Section 7–307.1 and 7–307.2
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Correctional Services

7–208.

(A) The Commission shall:

(1) maintain a record of its actions;

(2) make an annual report to the Governor of its work; and

(3) make appropriate recommendations for the improvement of its
functions.

**(B) THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A)(2) OF THIS
SECTION SHALL INCLUDE THE FOLLOWING INFORMATION, DISAGGREGATED BY
RACE OF THE RELEVANT INCARCERATED INDIVIDUALS:**

**(1) THE NUMBER OF CASES IN WHICH THE COMMISSION GRANTED
PAROLE;**

**(2) THE NUMBER OF CASES IN WHICH THE COMMISSION DENIED
PAROLE AND THE REASON FOR EACH DENIAL;**

**(3) THE NUMBER OF INCARCERATED INDIVIDUALS WHO WERE
GRANTED ADMINISTRATIVE RELEASE;**

**(4) THE NUMBER OF HEARINGS HELD AND THE PURPOSE OF EACH
HEARING; AND**

**(5) THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE
PAROLE-ELIGIBLE BUT HAVE NOT BEEN GRANTED PAROLE.**

7–303.

(a) Before any hearing on parole release, the Commission shall give the
incarcerated individual:

(1) adequate and timely written notice of:

[(1)] (I) the date, time, and place of the hearing; and

1 [(2)] (II) the factors that the Commission or hearing examiner will
2 consider in determining whether the incarcerated individual is suitable for parole[.

3 (b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the
4 notice also shall indicate that, before the hearing, the incarcerated individual or the
5 incarcerated individual's representative may, on request, examine any document]; AND

6 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
7 COPIES OF ALL DOCUMENTS that the Commission or hearing examiner will use in
8 determining whether the incarcerated individual is suitable for parole.

9 [(ii)] (B) (1) A document, or a portion of it, is not available for
10 examination[,] if the Commission determines that:

11 [1.] (I) the document or portion contains a diagnostic
12 opinion;

13 [2.] (II) the incarcerated individual's knowledge of the
14 document or portion would disrupt seriously a program of rehabilitation;

15 [3.] (III) the document or portion contains sources of
16 information obtained on a promise of confidentiality; or

17 [4.] (IV) the document or portion is otherwise privileged.

18 [(iii)] (2) If the Commission determines that a document or a
19 portion of it is not available for examination, the Commission shall notify the incarcerated
20 individual that:

21 [1.] (I) the document or portion is not available for
22 examination; and

23 [2.] (II) on request and if appropriate, the Commission will
24 provide the incarcerated individual or the incarcerated individual's representative with the
25 substance of any information contained in the document or portion.

26 [(2)] (C) The Commission shall delete the address and phone number of
27 the victim or the victim's designated representative from a document before the
28 incarcerated individual or the incarcerated individual's representative examines the
29 document.

30 7-304.

31 (b) The vote of each commissioner when acting collectively or in a panel, to
32 approve or deny parole, EACH COMMISSIONER'S REASONING AND JUSTIFICATIONS

FOR THE COMMISSIONER'S VOTE, and a vote to close or restrict access to a parole hearing under subsection (d) of this section, shall be made available to the public.

7–306.

(a) (1) The chairperson of the Commission shall assign hearing examiners, or commissioners acting as hearing examiners, as required to hear cases for parole.

(2) Each proceeding before a hearing examiner shall be conducted in accordance with this section.

(b) The Commission shall keep a record of each hearing conducted by a hearing examiner.

(c) A hearing examiner shall determine if an incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7–305 of this subtitle.

(d) (1) At the conclusion of the hearing, the hearing examiner shall inform the incarcerated individual of the hearing examiner's recommendation for parole or denial of parole.

(2) Within [21] 7 days after the hearing, the hearing examiner shall give to the Commission, the Commissioner of Correction, and the incarcerated individual a written report of the hearing examiner's findings and recommendation for parole or denial of parole, **INCLUDING THE REASONING AND JUSTIFICATIONS FOR THE RECOMMENDATION.**

(3) The Commissioner of Correction or the incarcerated individual may file with the Commission written exceptions to the report of a hearing examiner no later than 5 days after the report is received.

(e) (1) Subject to paragraph (2) of this subsection, one commissioner assigned by the chairperson of the Commission shall review summarily the recommendation of the hearing examiner.

(2) (i) The Commission, on its own initiative or on the filing of an exception, may schedule a hearing on the record by the entire Commission or by a panel of at least two commissioners assigned by the chairperson of the Commission.

(ii) The Commission or panel shall render a written decision on the appeal.

(iii) The decision of the Commission or panel is final.

(3) If an exception is not filed and the Commission does not act on its own initiative within the 5-day appeal period established under subsection (d)(3) of this section, the recommendation of the hearing examiner is approved.

(4) (I) THE COMMISSION SHALL PROMPTLY GIVE THE INCARCERATED INDIVIDUAL WRITTEN NOTICE OF ITS FINAL DECISION UNDER THIS SECTION.

(II) IF THE COMMISSION'S FINAL DECISION UNDER THIS SECTION IS TO DENY PAROLE, THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE DATE OF THE INCARCERATED INDIVIDUAL'S NEXT PAROLE HEARING, IN ACCORDANCE WITH § 7-307.1 OF THIS SUBTITLE.

7-307.

(a) (1) Except as provided in subsection (c) of this section, the chairperson of the Commission shall assign at least two commissioners to hear cases for parole release as a panel.

(2) Each proceeding before a Commission panel shall be conducted in accordance with this section.

(b) (1) (i) A Commission panel that consists of two commissioners shall determine, by unanimous vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(ii) If the two-commissioner panel is unable to reach a unanimous decision, the chairperson of the Commission shall convene a three-commissioner panel as soon as practicable to rehear the case.

(2) A Commission panel that consists of three commissioners shall determine, by majority vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(c) For an incarcerated individual who has been sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2021, at least six affirmative votes are required to approve the incarcerated individual for parole, based on consideration of the factors specified in § 7-305 of this subtitle.

(d) (1) The Commission panel shall inform the incarcerated individual and the appropriate correctional authority of the Commission's decision as soon as possible.

(2) If parole is denied, the Commission shall, **WITHIN 7 DAYS AFTER THE HEARING**, give the incarcerated individual:

(I) a written report of its findings [within 30 days after the hearing],
INCLUDING THE REASONING AND JUSTIFICATIONS FOR THE DECISION; AND

(II) WRITTEN NOTICE OF THE DATE OF THE INCARCERATED
INDIVIDUAL'S NEXT PAROLE HEARING, IN ACCORDANCE WITH § 7-307.1 OF THIS
SUBTITLE.

7-307.1.

(A) THE COMMISSION DOES NOT HAVE THE AUTHORITY TO PERMANENTLY
DENY PAROLE.

(B) AN INCARCERATED INDIVIDUAL IS ENTITLED TO A SUBSEQUENT
PAROLE HEARING NOT LATER THAN 2 YEARS AFTER EACH PAROLE HEARING THAT
RESULTS IN A DENIAL OF PAROLE.

7-307.2.

(A) THE COMMISSION SHALL RECORD EACH HEARING AND TRANSCRIBE
THE RECORDING OF THE HEARING WITHIN 30 DAYS AFTER THE CONCLUSION OF THE
HEARING.

(B) EACH HEARING TRANSCRIPT SHALL BE:

(1) FILED AND MAINTAINED IN THE OFFICE OF THE COMMISSION;
AND

(2) MADE READILY AVAILABLE TO THE PUBLIC.

(C) ALL VICTIM NAMES SHALL BE REDACTED FROM A HEARING
TRANSCRIPT.

(D) EACH HEARING RECORDING AND TRANSCRIPT SHALL BE RETAINED
ELECTRONICALLY UNTIL 3 YEARS AFTER THE INCARCERATED INDIVIDUAL IS
RELEASED FROM INCARCERATION, ALL POSTINCARCERATION SUPERVISION IS
COMPLETED, AND ALL APPEALS ARE EXHAUSTED, WHICHEVER HAPPENS LAST.

(E) AT THE CONCLUSION OF EACH HEARING, THE PRESIDING
COMMISSIONER SHALL STATE THE FINDINGS, REASONING, AND JUSTIFICATIONS OF
THE COMMISSION ON THE RECORD.

(F) ANY STATEMENTS, RECOMMENDATIONS, AND OTHER MATERIALS
CONSIDERED BY THE COMMISSION SHALL BE INCORPORATED INTO THE

1 TRANSCRIPT OF THE HEARING, UNLESS CONFIDENTIALITY IS NECESSARY TO
2 PRESERVE INSTITUTIONAL SECURITY OR THE SECURITY OF PERSONS WHO MIGHT
3 BE ENDANGERED BY DISCLOSURE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.