

HOUSE BILL 1156

E5

5lr3152

By: **Delegate Phillips**

Introduced and read first time: February 6, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2025

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Maryland Parole Commission – Members and Hearing**
3 **Examiners**

4 FOR the purpose of altering the number of members of the Maryland Parole Commission;
5 altering the appointing authority and method of appointment of parole
6 commissioners; repealing the authority of the Commission to appoint and utilize
7 hearing examiners; and generally relating to the Maryland Parole Commission.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–202, 7–204, 7–205(a), 7–207, 7–302, 7–303, and 7–305
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2024 Supplement)

13 BY repealing
14 Article – Correctional Services
15 Section 7–306
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Correctional Services
20 Section 7–307
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2024 Supplement)

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.



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

Article – Correctional Services

7–202.

(a) (1) The Commission consists of [ten] **AT LEAST 15 BUT NOT MORE THAN 20** members.

(2) (I) [With the approval of the] **SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE** Governor [and the advice and consent of the Senate, the Secretary] shall appoint the members of the Commission **FROM AMONG NOMINEES CHOSEN BY A PANEL CONSISTING OF:**

1. **THE EXECUTIVE DIRECTOR OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;**

2. **THE PUBLIC DEFENDER OF MARYLAND;**

3. **THE PRESIDENT OF THE MARYLAND STATE’S ATTORNEYS’ ASSOCIATION;**

4. **THREE SERVICE PROVIDERS FROM THE FIELDS OF MENTAL HEALTH, SUBSTANCE USE TREATMENT, VOCATIONAL AND EDUCATIONAL TRAINING, OR COMMUNITY ORGANIZING, APPOINTED BY THE GOVERNOR;**

5. **THE STATE SUPERINTENDENT OF EDUCATION;**

6. **THE PRESIDENT OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS – MARYLAND CHAPTER, OR THE PRESIDENT’S DESIGNEE;**

7. **THREE MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR; AND**

8. **ONE PRISONERS’ RIGHTS ADVOCATE, CHOSEN BY THE GOVERNOR.**

(II) **THE PANEL SHALL SUBMIT TO THE GOVERNOR THE NAMES OF AT LEAST THREE QUALIFIED NOMINEES FOR EACH COMMISSIONER VACANCY TO BE FILLED.**

1 **(III) THE REQUIREMENT FOR NOMINATION BY THE PANEL**
2 **UNDER THIS PARAGRAPH APPLIES ONLY TO AN INITIAL TERM AS COMMISSIONER**
3 **AND NOT TO ANY SUBSEQUENT CONSECUTIVE TERM OF A SITTING COMMISSIONER**
4 **WHOSE INITIAL APPOINTMENT TO OFFICE WAS MADE PURSUANT TO PANEL**
5 **NOMINATION.**

6 (b) Each commissioner shall:

7 (1) be appointed without regard to political affiliation;

8 (2) be a resident of the State; and

9 (3) have training and experience in law, sociology, psychology, psychiatry,
10 education, social work, or criminology.

11 (c) Each commissioner:

12 (1) shall devote full time to the duties of the Commission; and

13 (2) may not have any other employment that conflicts with the
14 commissioner's devotion of full time to the duties of the Commission.

15 (d) (1) The term of a commissioner is 6 years.

16 (2) At the end of a term, a commissioner continues to serve until a successor
17 is appointed and qualifies.

18 (3) A commissioner who is appointed after a term has begun serves only for
19 the rest of the term and until a successor is appointed and qualifies.

20 (e) (1) With the approval of the Governor, the Secretary may remove a
21 commissioner for disability, neglect of duty, or misconduct in office.

22 (2) Before removing a commissioner, the Secretary shall:

23 (i) give the commissioner written notice of the charges against the
24 commissioner; and

25 (ii) hold a public hearing on the charges.

26 (f) [(1) If a commissioner is unable to perform the commissioner's duties
27 because of sickness, incapacity, or disqualification, the Secretary may appoint a hearing
28 examiner to the Commission to perform those duties until that commissioner is able to
29 resume those duties or until a new commissioner is appointed and qualifies.

(2) A hearing examiner appointed under this subsection is entitled to the same compensation as a commissioner.

(3) A hearing examiner appointed under this subsection may not participate in a proceeding before the Commission in which the hearing examiner participated as a hearing examiner.

(g) With the approval of the Governor, the Secretary shall designate a chairperson of the Commission from among its members.

7–204.

(a) [(1)] The Commission shall appoint the staff necessary to perform the duties of the Commission.

[(2)] (B) The activities of the staff may not duplicate or conflict with the functions and services of the Division of Parole and Probation.

[(3)] (C) Except as otherwise provided by law, the staff is subject to the provisions of Title 6, Subtitle 4 of the State Personnel and Pensions Article.

[(b) (1) (i) The Secretary may appoint the hearing examiners necessary to conduct parole release hearings under paragraph (2) of this subsection, as provided in the State budget.

(ii) Each hearing examiner shall:

1. be appointed without regard to political affiliation;

2. be a resident of the State; and

3. have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology.

(iii) A hearing examiner is entitled to compensation in accordance with the State budget.

(2) A hearing examiner or a commissioner acting as a hearing examiner may hear cases for parole release that are not required to be heard by the Commission under § 7–205(a)(3) of this subtitle.]

7–205.

(a) The Commission has the exclusive power to:

1 (1) authorize the parole of an individual sentenced under the laws of the
2 State to any correctional facility in the State;

3 (2) negotiate, enter into, and sign predetermined parole release
4 agreements as provided under subsection (b) of this section;

5 (3) hear cases for parole or administrative release [in which:

6 (i) the Commissioner of Correction, after reviewing the
7 recommendation of the appropriate managing official, objects to a parole;

8 (ii) the incarcerated individual was convicted of a homicide;

9 (iii) the incarcerated individual is serving a sentence of life
10 imprisonment;

11 (iv) the parole hearing is open to the public under § 7–304 of this title;

12 (v) the incarcerated individual fails to meet the requirements of the
13 administrative release process established under § 7–301.1 of this title;

14 (vi) a victim requests a hearing as provided under § 7–301.1 of this
15 title; or

16 (vii) the Commission finds that a hearing for administrative release
17 is necessary under § 7–301.1 of this title];

18 (4) [hear exceptions to recommendations of a hearing examiner or a
19 commissioner acting as a hearing examiner;

20 (5) review summarily all recommendations of a hearing examiner or a
21 commissioner acting as a hearing examiner to which an exception has not been filed;

22 (6)] hear a case for parole in absentia when an individual who was
23 sentenced in this State to serve a term of imprisonment is in a correctional facility of a
24 jurisdiction other than this State;

25 [(7)] (5) hear cases of parole revocation;

26 [(8)] (6) if delegated by the Governor, hear cases involving an alleged
27 violation of a conditional pardon; and

28 [(9)] (7) determine conditions for administrative release under § 7–301.1
29 of this title.

30 7–207.

(a) [(1)] Subject to the approval of the Secretary, the Commission shall adopt regulations governing its policies and activities under this title.

[(2)] (B) Notwithstanding the provisions of § 10–101(g)(2)(i) of the State Government Article, regulations adopted under [paragraph (1) of this subsection] **SUBSECTION (A) OF THIS SECTION** shall comply with Title 10, Subtitle 1 of the State Government Article.

[(b) The Commission may adopt regulations governing:

(1) the conduct of proceedings before it or the hearing examiners; and

(2) the review and disposition of written exceptions to the recommendation of a hearing examiner.]

7–302.

The Commission [or the Commission’s hearing examiners] shall hear cases for parole release:

(1) at least once each month at each correctional facility in the Division of Correction; and

(2) as often as necessary at other correctional facilities in the State at which incarcerated individuals eligible for parole consideration are confined.

7–303.

(a) Before any hearing on parole release, the Commission shall give the incarcerated individual adequate and timely written notice of:

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

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

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the notice also shall indicate that, before the hearing, the incarcerated individual or the incarcerated individual’s representative may, on request, examine any document that the Commission [or hearing examiner] will use in determining whether the incarcerated individual is suitable for parole.

(ii) A document, or a portion of it, is not available for examination, if the Commission determines that:

1. the document or portion contains a diagnostic opinion;

2. the incarcerated individual's knowledge of the document or portion would disrupt seriously a program of rehabilitation;

3. the document or portion contains sources of information obtained on a promise of confidentiality; or

4. the document or portion is otherwise privileged.

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

1. the document or portion is not available for examination; and

2. on request and if appropriate, the Commission will provide the incarcerated individual or the incarcerated individual's representative with the substance of any information contained in the document or portion.

(2) The Commission shall delete the address and phone number of the victim or the victim's designated representative from a document before the incarcerated individual or the incarcerated individual's representative examines the document.

7-305.

Each [hearing examiner and] commissioner determining whether an incarcerated individual is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

(1) the circumstances surrounding the crime;

(2) the physical, mental, and moral qualifications of the incarcerated individual;

(3) the progress of the incarcerated individual during confinement, including the academic progress of the incarcerated individual in the mandatory education program required under § 22-102 of the Education Article;

(4) a report on a drug or alcohol evaluation that has been conducted on the incarcerated individual, including any recommendations concerning the incarcerated individual's amenability for treatment and the availability of an appropriate treatment program;

(5) whether there is reasonable probability that the incarcerated individual, if released on parole, will remain at liberty without violating the law;

(6) whether release of the incarcerated individual on parole is compatible with the welfare of society;

(7) an updated victim impact statement or recommendation prepared under § 7–801 of this title;

(8) any recommendation made by the sentencing judge at the time of sentencing;

(9) any information that is presented to a commissioner at a meeting with the victim;

(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7–801 of this title; and

(11) compliance with the case plan developed under § 7–301.1 of this subtitle or § 3–601 of this article.

[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 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.

(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.]

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 give the incarcerated individual a written report of its findings within 30 days after the hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that any funds budgeted for hearing examiner salaries as of the effective date of this Act be re-budgeted for parole commissioner salaries.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.