

HOUSE BILL 1123

E5

5lr3080

By: Delegates Bartlett and ~~Charkoudian~~, Charkoudian, Crutchfield, Embry, Simmons, Phillips, Stinnett, Taylor, Simpson, Conaway, Kaufman, and Williams

Introduced and read first time: February 5, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2025

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Medical and Elder Parole**

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 incarcerated
5 individual serving a term of life imprisonment; altering how the Commission
6 evaluates a request for medical parole, including providing for a meeting between
7 the incarcerated individual and the Commission under certain circumstances;
8 requiring the Department of Public Safety and Correctional Services to submit to the
9 Commission the names of certain individuals at a certain time; requiring the
10 Commission to conduct a risk assessment for a certain individual at a certain time;
11 requiring the Commission to conduct a certain parole release hearing and determine
12 whether a certain incarcerated individual is suitable for parole at a certain time;
13 authorizing the Justice Reinvestment Oversight Board to recommend that a portion
14 of certain savings be distributed to the Commission for a certain purpose; and
15 generally relating to medical and elder parole.

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 7–309
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2024 Supplement)

21 BY adding to

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.



Article – Correctional Services

Section 7–310

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 7–801

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–3201

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–3207(b)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Correctional Services

7–309.

~~(a) This section applies to any incarcerated individual 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 incarcerated individual 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 incarcerated individual'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 incarcerated individual 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.~~

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

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

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

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

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

~~(1) (i) a recommendation by the medical professional treating the incarcerated individual under contract with the Department or local correctional facility; or~~

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

~~(2) the incarcerated individual's medical information, including:~~

~~(i) a description of the incarcerated individual's condition, disease, or syndrome;~~

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

~~(iii) a description of the incarcerated individual's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and~~

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

~~(3) discharge information, including:~~

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

~~(ii) family support within the community; and~~

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

~~(4) case management information, including:~~

~~(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 incarcerated individual 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 incarcerated individual 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 incarcerated individual 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.~~

~~(j) The Commission shall issue regulations to implement the provisions of this section.~~

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “CHRONICALLY DEBILITATED OR INCAPACITATED” MEANS HAVING A DIAGNOSABLE MEDICAL CONDITION THAT IS UNLIKELY TO IMPROVE IN THE FUTURE AND SUBSTANTIALLY DIMINISHES THE ABILITY OF THE INDIVIDUAL TO PROVIDE SELF-CARE.

(II) “CHRONICALLY DEBILITATED OR INCAPACITATED” INCLUDES CONDITIONS SUCH AS DEMENTIA OR A SEVERE, PERMANENT MEDICAL OR COGNITIVE DISABILITY IF THE CONDITION SUBSTANTIALLY DIMINISHES THE ABILITY OF THE INDIVIDUAL TO PROVIDE SELF-CARE.

(3) “TERMINAL ILLNESS” MEANS A DISEASE OR CONDITION WITH AN END-OF-LIFE TRAJECTORY.

(B) This section applies to any incarcerated individual 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)] (C) An incarcerated individual [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 incarcerated individual’s sentence, without regard to the eligibility standards specified in § 7–301 of this subtitle IF A LICENSED PHYSICIAN HAS DETERMINED THAT THE INCARCERATED INDIVIDUAL:

(1) (I) IS CHRONICALLY DEBILITATED OR INCAPACITATED; OR

(II) SUFFERS FROM A TERMINAL ILLNESS; AND

(2) (I) REQUIRES EXTENDED MEDICAL MANAGEMENT WITH HEALTH CARE NEEDS THAT WOULD BE BETTER MET BY COMMUNITY SERVICES; AND

(II) 1. HAS BEEN RENDERED PHYSICALLY INCAPABLE OF PRESENTING A DANGER TO SOCIETY BY A PHYSICAL OR MENTAL HEALTH CONDITION, DISEASE, OR SYNDROME; OR

2. IS NO LONGER A DANGER TO PUBLIC SAFETY.

(D) (1) THE INFORMATION TO BE CONSIDERED BY THE COMMISSION BEFORE GRANTING MEDICAL PAROLE SHALL, AT A MINIMUM, INCLUDE:

(I) 1. A RECOMMENDATION BY THE MEDICAL PROFESSIONAL TREATING THE INCARCERATED INDIVIDUAL UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY; OR

2. IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN SUBSECTION (E)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT NO COST TO THE INCARCERATED INDIVIDUAL BY A LICENSED PHYSICIAN WHO IS INDEPENDENT FROM THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY;

(II) THE INCARCERATED INDIVIDUAL'S MEDICAL INFORMATION, INCLUDING:

1. A DESCRIPTION OF THE INCARCERATED INDIVIDUAL'S CONDITION, DISEASE, OR SYNDROME;

2. A PROGNOSIS CONCERNING THE LIKELIHOOD OF RECOVERY FROM THE CONDITION, DISEASE, OR SYNDROME;

3. A DESCRIPTION OF THE INCARCERATED INDIVIDUAL'S PHYSICAL INCAPACITY; AND

4. A MENTAL HEALTH EVALUATION, WHERE RELEVANT;

(III) DISCHARGE INFORMATION, INCLUDING:

1. AVAILABILITY OF TREATMENT OR PROFESSIONAL SERVICES WITHIN THE COMMUNITY;

2. FAMILY SUPPORT WITHIN THE COMMUNITY; AND

1 3. HOUSING AVAILABILITY, INCLUDING HOSPITAL OR
2 HOSPICE CARE; AND

3 (IV) CASE MANAGEMENT INFORMATION, INCLUDING:

4 1. THE CIRCUMSTANCES OF THE CURRENT OFFENSE;

5 2. INSTITUTIONAL HISTORY;

6 3. PENDING CHARGES, SENTENCES IN OTHER
7 JURISDICTIONS, AND ANY OTHER DETAINERS; AND

8 4. CRIMINAL HISTORY INFORMATION.

9 (2) IF A MEDICAL EVALUATION IS REQUESTED UNDER PARAGRAPH
10 (1)(I)2 OF THIS SUBSECTION:

11 (I) THE EVALUATION SHALL CONSIST OF AN IN-PERSON
12 EXAMINATION OF THE INCARCERATED INDIVIDUAL; AND

13 (II) THE COMMISSION SHALL GIVE EQUAL CONSIDERATION TO
14 THE FINDINGS OF THE EVALUATION AND ANY MEDICAL CONDITION DETAILED IN
15 THE EVALUATION IN CONSIDERING WHETHER TO GRANT MEDICAL PAROLE.

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

18 (i) the incarcerated individual seeking the medical parole;

19 (ii) an attorney;

20 (iii) a prison official or employee;

21 (iv) a medical professional;

22 (v) a family member; or

23 (vi) any other person.

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

26 (F) (1) THE INCARCERATED INDIVIDUAL OR THE INCARCERATED
27 INDIVIDUAL'S REPRESENTATIVE MAY REQUEST A MEETING WITH THE COMMISSION.

(2) IF A REQUEST FOR A MEETING IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE COMMISSION SHALL GRANT THE REQUEST FOR A MEETING FOR ANY INCARCERATED INDIVIDUAL:

1. HOUSED IN AN INFIRMARY OF A CORRECTIONAL FACILITY;

2. CURRENTLY HOSPITALIZED OUTSIDE A CORRECTIONAL FACILITY; OR

3. WHO HAS BEEN FREQUENTLY HOUSED IN AN INFIRMARY OF A CORRECTIONAL FACILITY OR HOSPITALIZED OUTSIDE A CORRECTIONAL FACILITY IN THE PRECEDING 6 MONTHS; AND

(II) THE COMMISSION MAY, AT ITS DISCRETION, GRANT THE REQUEST FOR A MEETING FOR ANY INCARCERATED INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS OF ITEM (I) OF THIS PARAGRAPH.

[(d)] (G) Following review of the request, the Commission may:

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

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

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

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

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

(2) the incarcerated individual's medical information, including:

(i) a description of the incarcerated individual's condition, disease, or syndrome;

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

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

(iv) a mental health evaluation, where relevant;

(3) discharge information, including:

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

(ii) family support within the community; and

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

(4) case management information, including:

(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)] (H) 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] **UNDER THE CARE OF A MEDICAL PROVIDER AND IN** A 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)] (I) (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 incarcerated individual 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 incarcerated individual 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)] (J) (1) IN THIS SUBSECTION, "IMMINENT DEATH" MEANS DEATH THAT IS LIKELY TO OCCUR WITHIN 6 MONTHS.

(2) Subject to paragraph **[(2)] (3)** of this subsection, provisions of law relating to victim notification and opportunity to be heard shall apply to proceedings relating to medical parole.

[(2)] (3) 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 incarcerated individual 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.]

[(j)] (K) The Commission shall **[issue]** ADOPT regulations to implement the provisions of this section.

7-310.

(A) ON AN ONGOING BASIS, THE DEPARTMENT SHALL SUBMIT TO THE COMMISSION THE NAMES OF EACH INCARCERATED INDIVIDUAL WHO:

(1) IS AT LEAST 60 YEARS OLD;

(2) HAS BEEN INCARCERATED FOR A CONTINUOUS PERIOD OF AT LEAST 20 YEARS;

(3) HAS HAD NO MAJOR DISCIPLINARY INFRACTIONS WITHIN THE PREVIOUS 3-YEAR PERIOD; AND

1 **(4) IS NOT SERVING A SENTENCE OF LIFE WITHOUT THE POSSIBILITY**
2 **OF PAROLE.**

3 **(B) WITHIN 60 DAYS OF RECEIPT OF A NAME OF AN INCARCERATED**
4 **INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL**
5 **CONDUCT A RISK ASSESSMENT FOR THE INCARCERATED INDIVIDUAL.**

6 **(C) ON COMPLETION OF THE RISK ASSESSMENT, THE COMMISSION SHALL**
7 **CONDUCT A PAROLE RELEASE HEARING UNDER § 7-306 OR § 7-307 OF THIS**
8 **SUBTITLE AND DETERMINE WHETHER THE INCARCERATED INDIVIDUAL IS SUITABLE**
9 **FOR PAROLE.**

10 7-801.

11 (a) (1) In this subtitle the following words have the meanings indicated.

12 (2) “Victim” has the meaning stated in § 11-104 of the Criminal Procedure
13 Article.

14 (3) “Victim’s representative” has the meaning stated in § 11-104 of the
15 Criminal Procedure Article.

16 (b) (1) At least 90 days before an incarcerated individual’s parole release
17 hearing, the Department shall notify the victim or the victim’s representative in writing,
18 directed to the most current address on file, that the parole release hearing has been
19 scheduled if:

20 (i) the victim or the victim’s representative filed a notification
21 request form under § 11-104 of the Criminal Procedure Article; or

22 (ii) the victim makes a written request to the Department for
23 notification and maintains a current address on file with the Department.

24 (2) The victim may designate in writing to the Department the name and
25 address of a representative who is a resident of the State to receive notice for the victim.

26 (c) (1) Not later than 30 days after the date of the Department’s notice under
27 subsection (b) of this section, the victim of a crime may submit to the Department a written
28 request that the Division of Parole and Probation be required to complete an updated victim
29 impact statement.

30 (2) If the victim submits a request as authorized by paragraph (1) of this
31 subsection, the Department shall direct the Division of Parole and Probation to:

32 (i) complete the updated statement at least 30 days before the
33 parole release hearing; and

(ii) send promptly the updated victim impact statement to the Commission.

(d) A victim may:

(1) at least 30 days before the parole release hearing:

(i) make a written recommendation to the Commission on the advisability of releasing the incarcerated individual on parole; and

(ii) request that the incarcerated individual be prohibited from having any contact with the victim as a condition of parole, mandatory supervision, work release, or other administrative release; and

(2) request a meeting with a commissioner.

(e) The Commission shall make an updated victim impact statement and a victim's written recommendation available for review by the incarcerated individual or the incarcerated individual's representative under § 7–303(b) of this title.

(f) The Commission shall consider an updated victim impact statement or victim's written recommendation at the parole release hearing.

(g) If a victim requested an open hearing under § 7–304 of this title, the victim may present oral testimony at the incarcerated individual's parole release hearing in a manner established in regulations adopted by the Commission.

(h) The Department shall notify promptly the victim or the victim's representative of the decision of the Commission regarding parole for the incarcerated individual.

Article – State Government

9–3201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Justice Reinvestment Oversight Board.

(c) “Executive Director” means the Executive Director of the Governor's Office of Crime Prevention and Policy.

(d) “Fund” means the Performance Incentive Grant Fund established in § 9–3209 of this subtitle.

9–3207.

(b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.

(2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.

(3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) subject to paragraph (6) of this subsection, the remaining savings shall be used for additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council's Final Report.

(6) The Board may recommend that a portion of the remaining savings identified under paragraph (5)(ii) of this subsection be:

(i) used for the development and implementation of a post-secondary education and workforce training program for each correctional institution in the Division of Correction that provides incarcerated individuals with the requisite training, certifications, and experience to obtain careers in in-demand job sectors; [or]

(ii) for fiscal year 2025 only, distributed to the Office of the Correctional Ombudsman; OR

(III) DISTRIBUTED TO THE MARYLAND PAROLE COMMISSION FOR THE PURPOSE OF HIRING PSYCHOLOGISTS TO PERFORM RISK ASSESSMENTS OF CANDIDATES FOR ELDER PAROLE UNDER § 7–310 OF THE CORRECTIONAL SERVICES ARTICLE.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.