

Chapter 103

(House Bill 1123)

AN ACT concerning

Correctional Services – ~~Medical and Elder~~ Geriatric and Medical Parole

FOR the purpose of ~~repealing provisions relating to gubernatorial approval of a decision of the Maryland Parole Commission to grant medical parole to an incarcerated individual serving a term of life imprisonment; altering how the Commission evaluates a request for medical parole, including providing for a meeting between the incarcerated individual and the Commission under certain circumstances; requiring the Department of Public Safety and Correctional Services to submit to the Commission the names of certain individuals at a certain time; requiring the Commission to conduct a risk assessment for a certain individual at a certain time; requiring the Commission to conduct a certain parole release hearing and determine whether a certain incarcerated individual is suitable for parole at a certain time; authorizing the Justice Reinvestment Oversight Board to recommend that a portion of certain savings be distributed to the Commission for a certain purpose; and generally relating to medical and elder parole~~ requiring the Maryland Parole Commission to consider the age of an incarcerated individual when determining whether to grant parole; altering how the Commission evaluates a request for medical parole, including providing for a meeting between the incarcerated individual and the Commission under certain circumstances; requiring the Commission to develop procedures for assessing parole requests by certain incarcerated individuals; repealing the authorization for the Governor to disapprove of a decision by the Commission to grant medical parole to an incarcerated individual; requiring the Department of Public Safety and Correctional Services to submit to the Commission the names of certain individuals at a certain time; requiring the Commission to conduct a risk assessment for a certain individual at a certain time; requiring the Commission to conduct a certain parole release hearing and determine whether a certain incarcerated individual is suitable for parole at a certain time; repealing a certain provision related to geriatric parole; authorizing the Justice Reinvestment Oversight Board to recommend that a portion of certain savings be distributed to the Commission for a certain purpose; and generally relating to geriatric and medical parole.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section ~~7-305 and~~ 7-309

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

BY adding to

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
Article – Criminal Law
Section 14–101(f)
Annotated Code of Maryland
(2021 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

7–305.

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, **TAKING INTO ACCOUNT THE TOTALITY OF THE CIRCUMSTANCES INCLUDING THE AGE OF THE INCARCERATED INDIVIDUAL**, there is reasonable probability that the incarcerated individual, if released on parole, will **[remain at liberty without violating the law]** **NOT RECIDIVATE**;

(6) whether release of the incarcerated individual on parole is compatible with **[the welfare of society]** **PUBLIC SAFETY**;

(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.

7-309.

~~(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

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

(IV) CASE MANAGEMENT INFORMATION, INCLUDING:

1. THE CIRCUMSTANCES OF THE CURRENT OFFENSE;

2. INSTITUTIONAL HISTORY;

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

4. CRIMINAL HISTORY INFORMATION.

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

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

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

[(c)] (E) (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.

(F) (1) THE INCARCERATED INDIVIDUAL OR THE INCARCERATED 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)] (1) (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~~ ***A PAROLEE SHALL BE RETURNED TO THE CUSTODY OF THE DIVISION OF CORRECTION OR THE LOCAL CORRECTIONAL FACILITY FROM WHICH THE PAROLEE WAS RELEASED IF A LICENSED PHYSICIAN HAS DETERMINED THAT THE PAROLEE:***

(1) (I) IS NO LONGER CHRONICALLY DEBILITATED OR INCAPACITATED; OR

(II) NO LONGER SUFFERS FROM A TERMINAL ILLNESS; AND

(2) (I) NO LONGER REQUIRES EXTENDED MEDICAL MANAGEMENT WITH HEALTH CARE NEEDS THAT WOULD BE BETTER MET BY COMMUNITY SERVICES; AND

(II) 1. IS NO LONGER PHYSICALLY INCAPABLE OF PRESENTING A DANGER TO SOCIETY BY A PHYSICAL OR MENTAL HEALTH CONDITION, DISEASE, OR SYNDROME; OR

2. IS A DANGER TO SOCIETY.

[(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~~

~~(4) IS NOT SERVING A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE.~~

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

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

~~7-801.~~

~~(a) (1) In this subtitle the following words have the meanings indicated:~~

~~(2) "Victim" has the meaning stated in § 11-104 of the Criminal Procedure Article.~~

~~(3) "Victim's representative" has the meaning stated in § 11-104 of the Criminal Procedure Article.~~

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

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

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

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

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

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

~~(i) complete the updated statement at least 30 days before the 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.~~

~~(c) 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.~~

(A) THIS SECTION APPLIES ONLY TO AN INCARCERATED INDIVIDUAL WHO:

(1) IS AT LEAST 65 YEARS OLD;

(2) HAS SERVED AT LEAST 20 YEARS OF INCARCERATION;

(3) IS NOT A SEX OFFENDER, AS DEFINED IN § 11-701 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) IS SERVING A TERM OF CONFINEMENT FOR WHICH ALL SENTENCES BEING SERVED, INCLUDING ANY LIFE SENTENCE, ARE WITH THE POSSIBILITY OF PAROLE; AND

(5) HAS HAD NO CATEGORY 1A DISCIPLINARY INFRACTIONS WITHIN THE PREVIOUS 3-YEAR PERIOD.

(B) ON AN ONGOING BASIS, THE DEPARTMENT SHALL SUBMIT TO THE COMMISSION THE NAME OF EACH INCARCERATED INDIVIDUAL WHO MEETS THE QUALIFICATIONS UNDER SUBSECTION (A) OF THIS SECTION.

(C) (1) WITHIN 60 DAYS AFTER RECEIPT OF A NAME UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL ORDER A RISK ASSESSMENT FOR THE INCARCERATED INDIVIDUAL IF THE INDIVIDUAL IS SERVING SENTENCES FOR MULTIPLE CRIMES OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, WITH AN AGGREGATE TERM OF CONFINEMENT OF 40 YEARS OR MORE.

(2) THE COMMISSION MAY ORDER A RISK ASSESSMENT FOR ANY OTHER INCARCERATED INDIVIDUAL ELIGIBLE FOR PAROLE UNDER THIS SECTION.

(D) (1) THE COMMISSION SHALL CONDUCT A PAROLE RELEASE HEARING UNDER § 7-306 OR § 7-307 OF THIS SUBTITLE FOR EACH INDIVIDUAL WHOSE NAME IS SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION AND DETERMINE WHETHER THE INCARCERATED INDIVIDUAL IS SUITABLE FOR PAROLE.

(2) THE HEARING UNDER THIS SUBSECTION SHALL BE CONDUCTED:

(I) AS SOON AS POSSIBLE, IF NO RISK ASSESSMENT IS ORDERED; OR

(II) ON COMPLETION OF ANY RISK ASSESSMENT ORDERED.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INCARCERATED INDIVIDUAL WHO HAS BEEN DENIED PAROLE UNDER THIS SECTION MAY NOT HAVE A SUBSEQUENT PAROLE HEARING FOR 5 YEARS.

(2) AN INCARCERATED INDIVIDUAL WHO HAS BEEN DENIED PAROLE UNDER THIS SECTION MAY HAVE A SUBSEQUENT PAROLE HEARING AT ANY TIME IF THE COMMISSION DETERMINES THAT EXTRAORDINARY AND COMPELLING CIRCUMSTANCES JUSTIFY THE SUBSEQUENT PAROLE HEARING.

(F) IN ADDITION TO THE FACTORS SPECIFIED UNDER § 7-305 OF THIS SUBTITLE, EACH COMMISSION PANEL DETERMINING WHETHER AN INCARCERATED INDIVIDUAL IS SUITABLE FOR PAROLE SHALL CONSIDER AND GIVE WEIGHT TO THE AGE OF THE INCARCERATED INDIVIDUAL AND THE IMPACT THAT THE AGE OF THE INCARCERATED INDIVIDUAL HAS ON THE RISK THAT THE INCARCERATED INDIVIDUAL WILL RECIDIVATE.

(G) ANY SAVINGS REALIZED BY THE DEPARTMENT AS A RESULT OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF:

(1) CONDUCTING RISK ASSESSMENTS FOR INCARCERATED INDIVIDUALS;

(2) CONDUCTING PAROLE HEARINGS FOR INCARCERATED INDIVIDUALS; AND

(3) PROVIDING PRERELEASE AND REENTRY CASE MANAGEMENT AND RESOURCES FOR INCARCERATED INDIVIDUALS WHO ARE RELEASED ON PAROLE.

(H) EVERY YEAR, THE COMMISSION SHALL REPORT TO THE JUSTICE REINVESTMENT OVERSIGHT BOARD ON THE OUTCOMES OF PAROLE CONSIDERATIONS MADE UNDER THIS SECTION, INCLUDING:

(1) THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE SUBJECT TO THIS SECTION WHO ARE DENIED PAROLE AND RELEASED ON PAROLE;

(2) THE REASON FOR EACH DECISION TO RELEASE AN INCARCERATED INDIVIDUAL ON PAROLE;

(3) THE REASON FOR EACH DECISION TO DENY PAROLE TO AN INCARCERATED INDIVIDUAL;

(4) OF THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE RELEASED ON PAROLE, THE NUMBER OF INDIVIDUALS WHO ARE CONVICTED OF AN OFFENSE COMMITTED AFTER RELEASE;

(5) THE AVERAGE TIME BETWEEN WHEN AN INCARCERATED INDIVIDUAL BECOMES ELIGIBLE FOR PAROLE CONSIDERATION UNDER THIS SECTION AND WHEN THE INCARCERATED INDIVIDUAL RECEIVES THE FIRST PAROLE HEARING REQUIRED BY THIS SECTION; AND

(6) THE AVERAGE TIME BETWEEN PAROLE HEARINGS FOR INCARCERATED INDIVIDUALS WHO ARE SUBJECT TO THIS SECTION.

(I) (1) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(2) THE REGULATIONS REQUIRED BY THIS SUBSECTION SHALL INCLUDE A REQUIREMENT THAT THE DEPARTMENT PROVIDE ANY INCARCERATED INDIVIDUAL SUBJECT TO THIS SECTION WITH INFORMATION ON THE REGULATIONS AT LEAST ONCE EVERY YEAR.

Article – Criminal Law

14-101.

[(f) (1) This subsection does not apply to a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article.

(2) A person sentenced under this section may petition for and be granted parole if the person:

(i) is at least 60 years old; and

(ii) has served at least 15 years of the sentence imposed under this section.

(3) The Maryland Parole Commission shall adopt regulations to implement this subsection.]

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~~ GERIATRIC PAROLE UNDER § 7–310 OF THE CORRECTIONAL SERVICES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Parole Commission shall make efforts to prioritize conducting parole hearings and issuing recommendations for individuals who are eligible for parole under:

(1) § 7–309 of the Correctional Services Article, as enacted by Section 1 of this Act; and

(2) § 7–310 of the Correctional Services Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, April 22, 2025.