

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 118	(Chairman, Judicial Proceedings Committee)	
	(Departmental – Public Safety and Correctional Services)	
Judicial Proceedings		Judiciary

Maryland Parole Commission - Powers of the Commission

This departmental bill alters the powers of the Maryland Parole Commission and the manner in which open parole hearings are conducted. Specifically, the bill requires that, when parole hearings for persons convicted of crimes of violence are open to the public as a result of a request for an open hearing by the victim, the hearing must be conducted by a panel of at least two commissioners.

The bill clarifies that such an open hearing must occur if a victim of a violent crime makes a written request to the Department of Public Safety and Correctional Services (DPSCS) for notification and maintains a current address on file with DPSCS.

The bill repeals the existing authority of a single commissioner or hearing examiner to conduct open parole hearings and eliminates the requirement that the commission or a panel of commissioners take formal action before closing a parole hearing.

Fiscal Summary

State Effect: While this bill would allow final decisions to be made in the presence of the offender and victim on the same day as the parole hearing, any additional costs or savings resulting from the procedural change are not expected to measurably affect State finances.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The Maryland Parole Commission has the exclusive power to hear cases for parole in which: (1) the Commissioner of Correction, after reviewing the recommendation, objects to a parole; (2) the inmate was convicted of homicide; or (3) the inmate is serving a life sentence. A decision by two commissioners is not subject to the filing of an exception by the inmate.

Hearing examiners conduct open parole hearings in which the inmate was not convicted of a homicide or is not serving a life sentence. A commissioner must review the hearing examiner's recommendation.

Background: Victims are currently notified of the final outcomes of parole hearings by mail. This is due to the fact that a commissioner's review of a hearing examiner's recommendation does not usually occur until one or more days after the hearing. In addition, the inmate may file an exception to the hearing examiner's recommendation, further delaying a final outcome.

The bill's clarification of existing language relating to victim notification was recommended by the Correctional Services Article Review Committee. It is intended to ensure that open hearings would only be scheduled in cases where appropriate requests for notification have been made and the victim has kept a current address on file to accommodate that notification.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Maryland Parole Commission), Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2002
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