

HOUSE BILL 622

E4

5lr2076
CF SB 603

By: **Delegates Moon, Anderson, Carter, Dumais, Jalisi, Morales, Rosenberg, Smith, and Sydnor**

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Eligibility for Parole – Conditional Parole**

3 FOR the purpose of establishing conditional parole as a form of release from incarceration
4 for inmates over a certain age under certain circumstances; establishing a means of
5 initiating consideration by the Maryland Parole Commission of the appropriateness
6 of granting conditional parole; requiring the Commission to provide for a conditional
7 parole hearing on receipt of a certain request; requiring the Commission to appoint
8 a certain guardian to represent the best interests of a certain person under certain
9 circumstances; requiring the Commission to consider certain information before
10 granting a conditional parole release; requiring the Commission to impose certain
11 conditions in conjunction with conditional parole; authorizing the Commission to
12 impose certain conditions on a parolee in conjunction with conditional parole;
13 authorizing a certain person who is denied conditional parole by the Commission to
14 request an additional conditional parole hearing at a certain time; providing for the
15 applicability to conditional parole proceedings of provisions of law concerning victim
16 notification and participation in parole proceedings; requiring the Commission to
17 adopt certain regulations; requiring the Commission to provide a certain annual
18 report to the General Assembly with certain information; providing for a finding of
19 the General Assembly; providing for the application of this Act; and generally
20 relating to conditional parole.

21 BY adding to

22 Article – Correctional Services

23 Section 7–309.1

24 Annotated Code of Maryland

25 (2008 Replacement Volume and 2014 Supplement)

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

27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

7-309.1.

(A) THE GENERAL ASSEMBLY FINDS THAT THE POTENTIAL COSTS TO THE TAXPAYERS OF THE STATE FOR THE CONTINUED INCARCERATION OF AGING AND SIGNIFICANTLY DISABLED PRISONERS WHO POSE MINIMAL RISK TO PUBLIC SAFETY COULD OUTWEIGH THE PUBLIC BENEFIT OF THEIR CONTINUED INCARCERATION AND THAT THERE SHOULD BE CONSIDERATION OF CONDITIONAL PAROLE BY THE COMMISSION.

(B) THIS SECTION APPLIES TO AN INMATE OVER THE AGE OF 64 YEARS WHO IS SENTENCED TO A TERM OF INCARCERATION FOR WHICH ALL SENTENCES BEING SERVED, INCLUDING ANY LIFE SENTENCE, ARE WITH THE POSSIBILITY OF PAROLE.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS ELIGIBLE FOR RELEASE AT AN EARLIER DATE, AN INMATE OVER THE AGE OF 64 YEARS MAY BE RELEASED ON CONDITIONAL PAROLE IF THE INMATE HAS SERVED IN ACTUAL CUSTODY THE LESSER OF:

(1) 10 YEARS IMPRISONMENT; OR

(2) ONE-THIRD OF THE INMATE'S AGGREGATE SENTENCE.

(D) (1) A REQUEST FOR CONDITIONAL PAROLE UNDER THIS SECTION SHALL BE FILED WITH THE COMMISSION BY:

(I) THE INMATE SEEKING THE CONDITIONAL 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 CONDITIONAL PAROLE.

1 **(E) (1) ON RECEIPT OF A REQUEST FOR CONDITIONAL PAROLE, THE**
2 **COMMISSION SHALL PROVIDE FOR A CONDITIONAL PAROLE HEARING.**

3 **(2) ON A DETERMINATION THAT AN INMATE IS MENTALLY ILL OR**
4 **DISABLED, THE COMMISSION SHALL APPOINT A GUARDIAN TO REPRESENT THE**
5 **BEST INTERESTS OF THE INMATE AT THE CONDITIONAL PAROLE HEARING.**

6 **(3) AT THE CONDITIONAL PAROLE HEARING, THE INFORMATION TO**
7 **BE CONSIDERED BY THE COMMISSION SHALL, AT A MINIMUM, MEET THE**
8 **REQUIREMENTS OF § 7-309(E) OF THIS SUBTITLE.**

9 **(F) THE COMMISSION MAY PROVIDE FOR CONDITIONAL PAROLE ON A**
10 **FINDING THAT:**

11 **(1) THE INMATE OVER THE AGE OF 64 YEARS IS INCAPACITATED WITH**
12 **A PERMANENT MEDICAL OR MENTAL HEALTH CONDITION, INCLUDING DEMENTIA OR**
13 **ALZHEIMER'S DISEASE, THAT RENDERS THE INMATE UNABLE TO PERFORM BASIC**
14 **DAILY LIVING ACTIVITIES AND REQUIRES CONTINUAL MEDICAL CARE AT THE**
15 **EXPENSE OF THE STATE;**

16 **(2) THE INMATE CAN LIVE AND REMAIN IN SOCIETY WITH MINIMAL**
17 **RISK TO PUBLIC SAFETY; AND**

18 **(3) THE PUBLIC INTEREST IN RETRIBUTIVE JUSTICE AND**
19 **REHABILITATION HAS BEEN VINDICATED.**

20 **(G) IF THE COMMISSION GRANTS CONDITIONAL PAROLE TO AN INMATE,**
21 **THE COMMISSION:**

22 **(1) SHALL INCLUDE AS A CONDITION OF RELEASE, THE**
23 **REQUIREMENT FOR AN INDIVIDUALIZED ASSESSMENT OF THE INMATE'S NEED FOR**
24 **CONTINUED MENTAL HEALTH TREATMENT AND SUPPORT SERVICES, INCLUDING**
25 **RESIDENTIAL PLACEMENT IF CONSISTENT WITH THE ASSESSMENT;**

26 **(2) SHALL PROVIDE FOR THE ENROLLMENT OF THE INMATE IN THE**
27 **APPROPRIATE MEDICAL PROGRAM, INCLUDING MEDICARE OR MEDICAID, BEFORE**
28 **RELEASE; AND**

29 **(3) MAY PROVIDE FOR ANY OTHER CONDITION OF SUPERVISION OR**
30 **TREATMENT DETERMINED NECESSARY OR APPROPRIATE.**

1 **(H) IF THE COMMISSION DENIES CONDITIONAL PAROLE TO AN INMATE**
2 **UNDER THIS SECTION, THE INMATE MAY REQUEST AN ADDITIONAL CONDITIONAL**
3 **PAROLE HEARING 1 YEAR AFTER THE DENIAL.**

4 **(I) PROVISIONS OF LAW RELATING TO VICTIM NOTIFICATION AND**
5 **OPPORTUNITY TO BE HEARD SHALL APPLY TO PROCEEDINGS RELATING TO**
6 **CONDITIONAL PAROLE.**

7 **(J) THE COMMISSION SHALL ISSUE REGULATIONS TO IMPLEMENT THE**
8 **PROVISIONS OF THIS SECTION.**

9 **(K) THE COMMISSION SHALL SUBMIT A REPORT TO THE GENERAL**
10 **ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
11 **BEFORE JULY 1 OF EACH YEAR BEGINNING ON JULY 1, 2016, ON:**

12 **(1) THE NUMBER OF INDIVIDUALS RELEASED ON CONDITIONAL**
13 **PAROLE UNDER THE PROVISIONS OF THIS SECTION; AND**

14 **(2) THE ANNUAL COST SAVINGS TO THE STATE AS A RESULT OF THE**
15 **CONDITIONAL PAROLE OF INMATES OVER THE AGE OF 64 YEARS, INCLUDING**
16 **HEALTH CARE COST SAVINGS DUE TO THEIR ENROLLMENT IN PROGRAMS WITH**
17 **FEDERAL FUNDING.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2015.**