

HOUSE BILL 255

E4

6lr0361

By: **Delegates Moon, Carter, Gutierrez, Morales, Proctor, Rosenberg, Smith, and Sydnor**

Introduced and read first time: January 25, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Medical Parole – Approval of Governor**

3 FOR the purpose of repealing the requirement that the Governor approve medical parole
4 for a person serving a life sentence; requiring the Maryland Parole Commission to
5 provide, as a condition for medical parole, that a person agree to a certain placement
6 suitable to the parolee's medical condition, forward certain medical records, and
7 enroll for certain medical insurance coverage before release; and generally relating
8 to medical parole.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 7–301(d) and 7–309(f) and (i)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Correctional Services
16 Section 7–309(a) through (c)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2015 Supplement)

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

21 **Article – Correctional Services**

22 7–301.

23 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
24 inmate who has been sentenced to life imprisonment is not eligible for parole consideration

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 until the inmate has served 15 years or the equivalent of 15 years considering the
2 allowances for diminution of the inmate's term of confinement under § 6-218 of the
3 Criminal Procedure Article and Title 3, Subtitle 7 of this article.

4 (2) An inmate who has been sentenced to life imprisonment as a result of
5 a proceeding under former § 2-303 or § 2-304 of the Criminal Law Article is not eligible for
6 parole consideration until the inmate has served 25 years or the equivalent of 25 years
7 considering the allowances for diminution of the inmate's term of confinement under
8 § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

9 (3) (i) If an inmate has been sentenced to imprisonment for life without
10 the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article, the inmate
11 is not eligible for parole consideration and may not be granted parole at any time during
12 the inmate's sentence.

13 (ii) This paragraph does not restrict the authority of the Governor to
14 pardon or remit any part of a sentence under § 7-601 of this title.

15 (4) Subject to paragraph (5) of this subsection **AND EXCEPT AS PROVIDED**
16 **IN § 7-309 OF THIS SUBTITLE**, if eligible for parole under this subsection, an inmate
17 serving a term of life imprisonment may only be paroled with the approval of the Governor.

18 (5) (i) If the Commission decides to grant parole to an inmate sentenced
19 to life imprisonment who has served 25 years without application of diminution of
20 confinement credits, the decision shall be transmitted to the Governor.

21 (ii) The Governor may disapprove the decision by written
22 transmittal to the Commission.

23 (iii) If the Governor does not disapprove the decision within 180 days
24 after receipt, the decision becomes effective.

25 7-309.

26 (a) This section applies to any inmate who is sentenced to a term of incarceration
27 for which all sentences being served, including any life sentence, are with the possibility of
28 parole.

29 (b) An inmate who is so debilitated or incapacitated by a medical or mental health
30 condition, disease, or syndrome as to be physically incapable of presenting a danger to
31 society may be released on medical parole at any time during the term of that inmate's
32 sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.

33 (c) (1) A request for a medical parole under this section may be filed with the
34 Maryland Parole Commission by:

35 (i) the inmate seeking the medical parole;

- 1 (ii) an attorney;
- 2 (iii) a prison official or employee;
- 3 (iv) a medical professional;
- 4 (v) a family member; or
- 5 (vi) any other person.

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

8 (f) The Commission [may] **SHALL** require as a condition of release on medical
9 parole that:

10 (1) the parolee agree to placement for a definite or indefinite period of time
11 in a hospital or hospice or other housing accommodation suitable to the parolee's medical
12 condition, including the family home of the parolee, as specified by the Commission or the
13 supervising agent; [and]

14 (2) the parolee forward authentic copies of applicable medical records to
15 indicate that the particular medical condition giving rise to the release continues to exist;
16 **AND**

17 **(3) THE PAROLEE IS ENROLLED IN AN APPROPRIATE MEDICAL**
18 **PROGRAM, INCLUDING MEDICARE OR MEDICAID, BEFORE RELEASE.**

19 (i) [Consistent with § 7-301(d)(4) of this subtitle, a] **A** medical parole under this
20 section for a person serving a life sentence [shall] **DOES NOT** require the approval of the
21 Governor.

22 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
23 October 1, 2016.