

HOUSE BILL 906

E4

6lr3371
CF SB 433

By: **Delegate Sydnor**

Introduced and read first time: February 10, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Special Requirements for Elderly, Chronically Ill, and**
3 **Terminally Ill Inmates**

4 FOR the purpose of requiring each State and local correctional facility to accommodate the
5 special needs of elderly, chronically ill, and terminally ill inmates and detainees in
6 accordance with standards, guidelines, and recommendations issued or endorsed by
7 the National Institute of Corrections; requiring the Department of Public Safety and
8 Correctional Services to designate certain sites for the housing of inmates who are
9 over a certain age, chronically ill, and terminally ill; requiring certain sites to be
10 staffed by certain specially trained individuals and to be fully equipped with certain
11 safety and comfort features; establishing compassionate release as a form of release
12 from incarceration for inmates over a certain age under certain circumstances;
13 establishing a means of initiating consideration by the Maryland Parole Commission
14 of the appropriateness of granting compassionate release; requiring the Commission
15 to provide for a compassionate release hearing on receipt of a certain request;
16 requiring the Commission to appoint a certain guardian to represent the best
17 interests of a certain person under certain circumstances; authorizing the
18 Commission to grant compassionate release on a certain finding; requiring the
19 Commission to impose certain conditions in conjunction with compassionate release;
20 authorizing the Commission to impose certain conditions in conjunction with
21 compassionate release; authorizing a certain person who is denied compassionate
22 release by the Commission to request an additional compassionate release hearing
23 at a certain time; providing that a certain person who is denied compassionate
24 release by the Commission may not be housed with the general population in a
25 correctional facility, shall be housed in a separate area of a correctional facility
26 reserved exclusively for the elderly, and shall be provided with certain services that
27 specifically address the needs of the elderly; providing for the applicability of
28 compassionate release proceedings of provisions of law concerning victim notification
29 and participation in parole proceedings; requiring the Commission to adopt certain
30 regulations; and generally relating to elderly, chronically ill, and terminally ill
31 inmates.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Correctional Services
3 Section 7–309.1, 9–614, and 10–802
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2015 Supplement)

6 Preamble

7 WHEREAS, It is humane, compassionate, and proper that inmates who are elderly,
8 chronically ill, or terminally ill be given special accommodations to suit their special needs,
9 or to be released from incarceration if they have sufficient support from family or others to
10 enable them to live safely and securely in the community; and

11 WHEREAS, There are monetary savings associated with ensuring that vulnerable
12 populations within correctional facilities are properly cared for and prevented from being
13 injured or subjected to worsened health problems; or in the alternative, are released from
14 incarceration to be cared for by family or friends in the community; now, therefore,

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

17 **Article – Correctional Services**

18 **7–309.1.**

19 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INMATE OVER**
20 **THE AGE OF 64 YEARS MAY APPLY FOR COMPASSIONATE RELEASE FROM**
21 **INCARCERATION IF THE INMATE HAS SERVED AT LEAST 15 YEARS IMPRISONMENT.**

22 **(B) (1) A REQUEST FOR COMPASSIONATE RELEASE UNDER THIS SECTION**
23 **SHALL BE FILED WITH THE COMMISSION BY:**

24 **(I) THE INMATE SEEKING THE COMPASSIONATE RELEASE;**

25 **(II) AN ATTORNEY;**

26 **(III) A PRISON OFFICIAL OR EMPLOYEE;**

27 **(IV) A MEDICAL PROFESSIONAL;**

28 **(V) A FAMILY MEMBER; OR**

29 **(VI) ANY OTHER PERSON.**

1 **(2) THE REQUEST SHALL BE IN WRITING AND SHALL ARTICULATE THE**
2 **GROUND THAT SUPPORT THE APPROPRIATENESS OF GRANTING THE**
3 **COMPASSIONATE RELEASE.**

4 **(C) (1) ON RECEIPT OF A REQUEST FOR COMPASSIONATE RELEASE, THE**
5 **COMMISSION SHALL PROVIDE FOR A COMPASSIONATE RELEASE HEARING.**

6 **(2) ON A DETERMINATION THAT AN INMATE IS MENTALLY ILL OR**
7 **DISABLED, THE COMMISSION SHALL APPOINT A GUARDIAN TO REPRESENT THE**
8 **BEST INTERESTS OF THE INMATE AT THE COMPASSIONATE RELEASE HEARING.**

9 **(D) THE COMMISSION MAY GRANT COMPASSIONATE RELEASE ON A FINDING**
10 **THAT THE INMATE HAS DEMONSTRATED SIGNIFICANT SUPPORT FROM FAMILY OR**
11 **OTHERS TO ENABLE THE INMATE TO LIVE SAFELY AND SECURELY IN THE**
12 **COMMUNITY.**

13 **(E) IF THE COMMISSION GRANTS COMPASSIONATE RELEASE TO AN INMATE,**
14 **THE COMMISSION:**

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

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

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

24 **(F) IF THE COMMISSION DENIES COMPASSIONATE RELEASE TO AN INMATE**
25 **UNDER THIS SECTION, THE INMATE:**

26 **(1) MAY REQUEST AN ADDITIONAL COMPASSIONATE RELEASE**
27 **HEARING 1 YEAR AFTER THE DENIAL;**

28 **(2) MAY NOT BE HOUSED WITH THE GENERAL POPULATION IN A**
29 **CORRECTIONAL FACILITY;**

30 **(3) SHALL BE HOUSED IN A SEPARATE AREA OF A CORRECTIONAL**
31 **FACILITY RESERVED EXCLUSIVELY FOR THE ELDERLY; AND**

1 **(4) SHALL BE PROVIDED WITH COST-EFFECTIVE SERVICES THAT**
2 **SPECIFICALLY ADDRESS THE NEEDS OF THE ELDERLY.**

3 **(G) PROVISIONS OF LAW RELATING TO VICTIM NOTIFICATION AND**
4 **OPPORTUNITY TO BE HEARD SHALL APPLY TO PROCEEDINGS RELATING TO**
5 **COMPASSIONATE RELEASE.**

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

8 **9-614.**

9 **EACH STATE AND LOCAL CORRECTIONAL FACILITY SHALL ACCOMMODATE**
10 **THE SPECIAL NEEDS OF ELDERLY, CHRONICALLY ILL, AND TERMINALLY ILL**
11 **INMATES AND DETAINEES IN ACCORDANCE WITH STANDARDS, GUIDELINES, AND**
12 **RECOMMENDATIONS ISSUED OR ENDORSED BY THE NATIONAL INSTITUTE OF**
13 **CORRECTIONS.**

14 **10-802.**

15 **(A) THE DEPARTMENT SHALL DESIGNATE ONE SITE FOR MEN AND ONE SITE**
16 **FOR WOMEN, SEPARATE FROM THE GENERAL INMATE POPULATION, FOR THE**
17 **HOUSING OF INMATES WHO ARE OVER THE AGE OF 64 YEARS, CHRONICALLY ILL,**
18 **AND TERMINALLY ILL.**

19 **(B) EACH SITE DESIGNATED UNDER SUBSECTION (A) OF THIS SECTION**
20 **SHALL BE:**

21 **(1) STAFFED BY INDIVIDUALS WHO ARE SPECIALLY TRAINED TO CARE**
22 **FOR THE ELDERLY, CHRONICALLY ILL, AND TERMINALLY ILL; AND**

23 **(2) FULLY EQUIPPED WITH SAFETY AND COMFORT FEATURES**
24 **DESIGNED TO ACCOMMODATE THE ELDERLY AND THE INFIRM, INCLUDING**
25 **HANDICAP GRAB BARS, ELEVATED TOILETS, WHEELCHAIRS, AND NONSLIP SHOWER**
26 **SURFACES.**

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