

SENATE BILL 604

E4
SB 336/15 – JPR

9lr1717

By: **Senator Nathan–Pulliam**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Elderly Inmates – Compassionate Release**

3 FOR the purpose of establishing compassionate release as a form of release from
4 incarceration for inmates over a certain age under certain circumstances;
5 establishing a means of initiating consideration by the Maryland Parole Commission
6 of the appropriateness of granting compassionate release; requiring the Commission
7 to provide for a compassionate release hearing on receipt of a certain request;
8 requiring the Commission to appoint a certain guardian to represent the best
9 interests of a certain person under certain circumstances; authorizing the
10 Commission to grant compassionate release on a certain finding; requiring the
11 Commission to impose certain conditions in conjunction with compassionate release;
12 authorizing the Commission to impose certain conditions in conjunction with
13 compassionate release; authorizing a certain person who is denied compassionate
14 release by the Commission to request an additional compassionate release hearing
15 at a certain time; providing that a certain person who is denied compassionate
16 release by the Commission may not be housed with the general population in a
17 correctional facility, shall be housed in a separate area of a correctional facility
18 reserved exclusively for the elderly, and shall be provided with certain services that
19 specifically address the needs of the elderly; providing for the applicability to
20 compassionate release proceedings of provisions of law concerning victim notification
21 and participation in parole proceedings; requiring the Commission to adopt certain
22 regulations; and generally relating to elderly inmates.

23 BY adding to

24 Article – Correctional Services

25 Section 7–309.1

26 Annotated Code of Maryland

27 (2017 Replacement Volume and 2018 Supplement)

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

29 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) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INMATE OVER THE AGE OF 60 YEARS MAY APPLY FOR COMPASSIONATE RELEASE FROM INCARCERATION IF THE INMATE:

(1) HAS SERVED AT LEAST 30 YEARS IMPRISONMENT; OR

(2) HAS A CHRONIC DISEASE OR CONDITION.

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

(I) THE INMATE SEEKING THE COMPASSIONATE RELEASE;

(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 COMPASSIONATE RELEASE.

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

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

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

1 **(E) IF THE COMMISSION GRANTS COMPASSIONATE RELEASE TO AN INMATE,**
2 **THE COMMISSION:**

3 **(1) SHALL INCLUDE AS A CONDITION OF RELEASE THE REQUIREMENT**
4 **FOR AN INDIVIDUALIZED ASSESSMENT OF THE INMATE'S NEED FOR CONTINUED**
5 **HEALTH TREATMENT AND SUPPORT SERVICES, INCLUDING RESIDENTIAL**
6 **PLACEMENT IF CONSISTENT WITH THE ASSESSMENT;**

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

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

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

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

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

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

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

22 **(G) PROVISIONS OF LAW RELATING TO VICTIM NOTIFICATION AND**
23 **OPPORTUNITY TO BE HEARD APPLY TO PROCEEDINGS RELATING TO**
24 **COMPASSIONATE RELEASE.**

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

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2019.**