

MARYLAND REGISTER

**Emergency Action on Regulations**

<b>TO BE COMPLETED BY AELR COMMITTEE</b>	<b>EMERGENCY Transmittal Sheet</b>	<b>TO BE COMPLETED BY DSD</b>
Date Received by AELR Committee		Date Filed with Division of State Documents
06/17/2016		
Emergency Status Approved		Document Number
_ -Yes _ -No		
Emergency Status Begins On		Date of Publication in MD Register
Emergency Status Ends On		
Name of AELR Committee Counsel		

**1. COMAR Codification**

**Title Subtitle Chapter Regulation**

12 08 01 17 and .18

**2. Name of Promulgating Authority**

Department of Public Safety and Correctional Services

**3. Name of Regulations Coordinator**

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**Title**

Secretary

**Date**

June 19, 2016

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**Title 12**  
**DEPARTMENT OF PUBLIC SAFETY AND**  
**CORRECTIONAL SERVICES**

**Subtitle 08 PAROLE COMMISSION**

**12.08.01 General Regulations**

Authority: Correctional Services Article, §7-207, Annotated Code of Maryland

**Notice of Emergency Action**

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .17 and .18 under COMAR 12.08.01 General Regulations.

**Emergency status began:**

**Emergency status expires:**

**Comparison to Federal Standards**

There is no corresponding federal standard to this emergency action.

**Estimate of Economic Impact**

The emergency action has no economic impact.

**Economic Impact on Small Businesses**

The emergency action has minimal or no economic impact on small businesses.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These are changes to administrative procedures already in place for the Parole Commission when considering parole for an offender and require no additional funding to implement.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These amendments affect Parole Commission operations only

G. Response to small business worksheet:

Attached Document:

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## **Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

### **Subtitle 08 PAROLE COMMISSION**

#### **Chapter 01 General Regulations**

Authority: Correctional Services Article, §7-207, Annotated Code of Maryland

#### **.17 Preparation for Parole Consideration.**

A. — B. (text unchanged)

C. Notice to Inmate and Access to Files.

(1) — (4) (text unchanged)

(5) Review of Parole Commission file.

(a) The institutional parole agent and the inmate or [his] *the inmate's* representative shall review the file at the appointed time. [Psychological reports, psychiatric reports, and other information which is considered privileged shall be removed from the file and the institutional parole agent shall orally give a short summary of the contents where appropriate.]

(b) [Recommendations of classification counsellors, work sheets, and other work products of Commissioners and hearing examiners are hereby declared privileged.] *Except as provided in Correctional Services Article, §7-303(b)(1)(ii), Annotated Code of Maryland, the inmate or the inmate's representative may, on request, examine a document that the Commission or Hearing Examiner uses in determining whether the inmate is suitable for parole.*

(c) *Subject to the provisions of Correctional Service Article, § 7-303(b)(2), Annotated Code of Maryland, any documents submitted by a victim or the victim's designated representative shall be available for review by the inmate or the inmate's representative except when prohibited by Correctional Services Article, §7-303(b)(1)(ii), Annotated Code of Maryland.*

(d) *If a risk assessment prepared for the Commission contains diagnostic opinions, that assessment may not be available for examination, only a summary that does not contain the diagnostic opinions may be prepared and made available, upon request, to the inmate or the inmate's representative.*

(6) (text unchanged)

### **.18 Consideration for Parole.**

#### **A. General.**

(1) — (2) (text unchanged)

(3) *In addition to the factors contained under §§A(1) — (2) of this regulation, the Commission considers the following factors in determining whether a prisoner who committed a crime as a juvenile is suitable for release on parole:*

(a) *Age at the time the crime was committed;*

(b) *The individual's level of maturity and sense of responsibility at the time of the crime was committed;*

(c) *Whether influence or pressure from other individuals contributed to the commission of the crime;*

(d) *Whether the prisoner's character developed since the time of the crime in a manner that indicates the prisoner will comply with the conditions of release;*

(e) *The home environment and family relationships at the time the crime was committed;*

(f) *The individual's educational background and achievement at the time the crime was committed; and*

(g) *Other factors or circumstances unique to prisoners who committed crimes at the time the individual was a juvenile that the Commissioner determines to be relevant.*

[(3)] (4) To make these determinations the Commission examines:

(a) The offender's prior criminal and juvenile record and [his] *the offender's* response to prior incarceration, parole or probation, or both;

(b) The offender's behavior and adjustment and [his] *the offender's* participation in institutional and self-help programs;

(c) — (l) (text unchanged)

B. — I. (text unchanged)

*Stephen T. Moyer*  
*Secretary*