

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/28/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/22/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

12 08 01 17 and .18

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator

George H Hall

Telephone Number

410 339 5073

Mailing Address

300 E Joppa Road Suite 400B

City State Zip Code

Towson MD 21286

Email

ghhall@dpscs.state.md.us

5. Name of Person to Call About this Document

David Blumberg

Telephone No.

419 585 3200

Email Address

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 13, 2016.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

If yes, corresponding proposed text published in:

same issue

future issue

previous issue; it appeared in

: Md. R
(vol.) (issue) (page no's) (date)

Under Maryland Register docket no.: --E.

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Michael O. Doyle, Assistant Attorney General, (telephone #410 339 5000) on June 14, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Stephen T. Moyer

Title

Secretary

Telephone No.

410 339 5000

Date

June 19, 2016

**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 Proposed Action

□

The Secretary of Public Safety and Correctional Services proposes to amend, in cooperation with the Parole Commission, Regulations .17 and .18 under COMAR 12.08.01 General Regulations.

Statement of Purpose

The purpose of this action is to Amend Regulation .17 to clarify inmate access to documents used by the Commission when considering release on parole; and amend Regulation .18 to add provisions for information that the Commission may consider when evaluating an individual for release on parole who committed the crime at the time the individual was a juvenile.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Blumberg, Chairman, Parole Commission, Department of Public Safety and Correctional Services, 6776 Reisterstown Road, Baltimore, MD 21215, or call 410 585 3200, or email to , or fax to 410 764 4355. Comments will be accepted through 30 days after date published. A public hearing has not been scheduled.

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:

This action amends existing administrative procedures the Parole Commission uses when considering an offender for parole and require no addition finding to implement or maintain.

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 regulations affect the Parole Commission only.

G. Small Business Worksheet:

Attached Document:

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 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