

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 847

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Maryland Parole Commission -” and substitute “Parole”; in the same line, strike “Procedures” and substitute “Oral Testimony by Victims of Violent Crime”; strike in their entirety lines 3 through 13, inclusive, and substitute:

“FOR the purpose of allowing certain victims or designated representatives, at certain parole release hearings, to present oral testimony; requiring the Parole Commission to consider any oral testimony made by these victims or designated representatives when making a parole determination; and generally relating to parole release hearings.”;

and in line 16, strike “4-507” and substitute “4-504(d) and 4-506”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 22 on page 1 through line 25 on page 3, inclusive, and substitute:

“4-504.

(d) (1) In this subsection, “victim” means a person who suffers personal physical injury or death as a direct result of a crime or, if the victim is deceased, a designated family member of the victim.

(2) (i) In cases where a defendant is sentenced to the Division of Correction, if the victim makes a written request to the Commission for notification and maintains a current address on file with the Commission, the Commission, at least 90 days before the parole release hearing, shall notify the victim or designated representative in writing, directed to the most current address on file, that a parole release hearing has been scheduled for the inmate convicted of the commission of the

(Over)

violent crime.

(ii) If the inmate was convicted of a violent crime:

1. The victim may submit to the Commission, in writing, not later than 30 days from the date of the Commission's notice, a request to require the Division of Parole and Probation to complete an updated victim impact statement.

2. The Division of Parole and Probation shall complete the updated statement at least 30 days prior to the parole release hearing.

3. The Division of Parole and Probation shall promptly send the updated victim impact statement to the Commission.

(iii) At least 30 days before the parole release hearing, the victim may:

1. Make a written recommendation to the Commission on the advisability of releasing the inmate on parole; and

2. Request that an inmate be prohibited from having any contact with a victim as a condition of parole.

(iv) The Commission shall make the updated victim impact statement or recommendation available for the inmate's review under § 4-505 of this subtitle.

(v) If an updated victim impact statement or recommendation is prepared under this subsection, the Commission shall consider the updated victim impact statement or recommendation at the parole release hearing.

(vi) The victim may designate, in writing to the Commission, the name and address of a representative who is a resident of this State to receive notice for the victim.

(3) The victim may request a meeting with a Commission member.

(4) AT THE PAROLE RELEASE HEARING FOR AN INMATE CONVICTED OF THE VIOLENT CRIME, THE VICTIM OR A DESIGNATED REPRESENTATIVE MAY PRESENT ORAL TESTIMONY IN A MANNER ESTABLISHED IN REGULATIONS

PROMULGATED BY THE COMMISSION.

[(4)] (5) The Commission shall promptly notify the victim or the victim's designated representative of the decision of the Commission regarding parole for the inmate convicted of the violent crime.

4-506.

Each hearing examiner and Commission member determining if an inmate is suitable for release on parole shall consider:

(1) The circumstances surrounding the crime;

(2) The physical, mental, and moral qualification of the inmate eligible for parole;

(3) The progress of the inmate during his confinement, including the academic progress of the inmate in the mandatory education program required in § 22-102 of the Education Article;

(4) Whether or not there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;

(5) Whether or not release on parole of the inmate is compatible with the welfare of society;

(6) An updated victim impact statement or recommendation prepared under § 4-504(d) of this subtitle;

(7) Any recommendation made by the sentencing judge at the time of sentencing;

[and]

(8) Any information that is presented to a Commission member at a meeting with the victim; AND

(Over)

(9) ANY TESTIMONY PRESENTED TO THE COMMISSION BY THE VICTIM OR THE VICTIM'S DESIGNATED REPRESENTATIVE UNDER § 4-504(D)(4) OF THIS SUBTITLE.”.