
By: Senator Collins

Introduced and read first time: January 24, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 1996

CHAPTER ____

1 AN ACT concerning

2 **Parole Hearings - Oral Testimony by Victims of Violent Crime**

3 FOR the purpose of allowing certain victims or designated representatives, at certain
4 parole release hearings, to present oral testimony ~~and rebut certain other testimony;~~
5 requiring the Parole Commission to consider any oral testimony made by these
6 victims or designated representatives when making a parole determination; and
7 generally relating to parole release hearings.

8 BY repealing and reenacting, with amendments,
9 Article 41 - Governor - Executive and Administrative Departments
10 Section 4-504(d) and 4-506
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1995 Supplement)

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

15 **Article 41 - Governor - Executive and Administrative Departments**

16 4-504.

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

20 (2) (i) In cases where a defendant is sentenced to the Division of
21 Correction, if the victim makes a written request to the Commission for notification and
22 maintains a current address on file with the Commission, the Commission, at least 90 days
23 before the parole release hearing, shall notify the victim or designated representative in

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1 writing, directed to the most current address on file, that a parole release hearing has
2 been scheduled for the inmate convicted of the commission of the violent crime.

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

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

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

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

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

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

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

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

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

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

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

25 (4) AT THE PAROLE RELEASE HEARING FOR AN INMATE CONVICTED OF
26 THE VIOLENT CRIME, THE VICTIM OR A DESIGNATED REPRESENTATIVE MAY:

27 ~~(I) PRESENT ORAL TESTIMONY; AND~~

28 ~~(II) REBUT ANY TESTIMONY PRESENTED BY THE INMATE.~~
29 PRESENT ORAL TESTIMONY IN A MANNER ESTABLISHED IN REGULATIONS
30 PROMULGATED BY THE COMMISSION.

31 [(4)] (5) The Commission shall promptly notify the victim or the victim's
32 designated representative of the decision of the Commission regarding parole for the
33 inmate convicted of the violent crime.

34 4-506.

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

37 (1) The circumstances surrounding the crime;

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

3 (3) The progress of the inmate during his confinement, including the
4 academic progress of the inmate in the mandatory education program required in §
5 22-102 of the Education Article;

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

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

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

12 (7) Any recommendation made by the sentencing judge at the time of
13 sentencing; [and]

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1996.