

SENATE BILL 241

Unofficial Copy
E2

1998 Regular Session
8r1588
CF 8r1142

By: **Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws)**

Introduced and read first time: January 30, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Parole Hearings - Oral Testimony by Victims**

3 FOR the purpose of expanding the category of victims or designated representatives
4 who are entitled to present oral testimony at certain parole release hearings;
5 requiring certain victims to make a written request to the Parole Commission to
6 have certain parole release hearings open to the public; altering a certain
7 definition; and 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 4-507
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1997 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
18 physical injury, CHILD ABUSE, or death as a direct result of a crime or, if the victim is
19 deceased OR DISABLED, a designated family member OR DESIGNATED
20 REPRESENTATIVE of the victim.

21 (2) (i) In cases where a defendant is sentenced to the Division of
22 Correction, if the victim filed a notification request form under Article 27, § 770 of the
23 Code or if the victim makes a written request to the Department for notification and
24 maintains a current address on file with the Department, the Department, at least 90
25 days before the parole release hearing, shall notify the victim or designated
26 representative in writing, directed to the most current address on file, that a parole
27 release hearing has been scheduled for the inmate convicted of the commission of the
28 violent crime.

- 1 (ii) If the inmate was convicted of a violent crime:
- 2 1. The victim may submit to the Department, in writing, not
3 later than 30 days from the date of the Department's notice, a request to require the
4 Division of Parole and Probation to complete an updated victim impact statement.
- 5 2. The Division of Parole and Probation shall complete the
6 updated statement at least 30 days prior to the parole release hearing.
- 7 3. The Division of Parole and Probation shall promptly send
8 the updated victim impact statement to the Commission.
- 9 (iii) At least 30 days before the parole release hearing, the victim
10 may:
- 11 1. Make a written recommendation to the Commission on the
12 advisability of releasing the inmate on parole; and
- 13 2. Request that an inmate be prohibited from having any
14 contact with a victim as a condition of parole, mandatory supervision, work release, or
15 other administrative release.
- 16 (iv) The Commission shall make the updated victim impact
17 statement or recommendation available for the inmate's review under § 4-505 of this
18 subtitle.
- 19 (v) If an updated victim impact statement or recommendation is
20 prepared under this subsection, the Commission shall consider the updated victim
21 impact statement or recommendation at the parole release hearing.
- 22 (vi) The victim may designate, in writing to the Department, the
23 name and address of a representative who is a resident of this State to receive notice
24 for the victim.
- 25 (3) The victim may request a meeting with a Commission member.
- 26 (4) At the parole release hearing for an inmate convicted of the violent
27 crime, OR A CRIME FOR WHICH A VICTIM HAS FILED A NOTIFICATION REQUEST FORM
28 UNDER ARTICLE 27, § 770 OF THE CODE, the victim or a designated representative may
29 present oral testimony in a manner established in regulations adopted by the
30 Commission, IF THE VICTIM REQUESTS AN OPEN HEARING UNDER § 4-507(C) OF THIS
31 SUBTITLE.
- 32 (5) The Department shall promptly notify the victim or the victim's
33 designated representative of the decision of the Commission regarding parole for the
34 inmate convicted of the violent crime.

1 4-507.

2 (a) The Commission or its hearing examiners shall hear cases for parole
3 release at least once each month at penal institutions under the Division of Correction
4 and as often as necessary at other places of penal confinement within this State at
5 which inmates eligible for parole consideration are confined.

6 (b) The Commission may adopt rules and regulations for the conduct of
7 proceedings before it and the hearing examiners.

8 (c) (1) If a victim [of a violent crime] makes a written request for
9 notification under § 4-504 of this subtitle OR ARTICLE 27, § 770 OF THE CODE and also
10 makes a written request within a reasonable amount of time before a scheduled
11 hearing for the inmate convicted of the [violent] crime that the hearing before the
12 Commission or the hearing examiners be open to the public, the hearing shall be open
13 to the public.

14 (2) The vote of each member of the Commission when acting collectively
15 or in panels or the decision of an individual commissioner or hearing examiner on a
16 formal action, including an action to close or restrict access to a parole hearing under
17 subsection (e) of this section, shall be made available to the public.

18 (3) Nothing in this section limits the ability of the Commission to hold a
19 parole hearing through the use of video conferences or other means of electronic
20 transmission.

21 (d) Subject to the provisions of subsection (e) of this section, the victim or
22 victim's representative has the right to attend the hearing.

23 (e) The Commission, a panel of commissioners, an individual commissioner, or
24 a hearing examiner, may:

25 (1) Restrict the number of individuals allowed to attend a parole hearing
26 in accordance with physical limitations or security requirements of the facility where
27 the hearing is held;

28 (2) Deny admission or continued attendance at a parole hearing to an
29 individual who:

30 (i) Threatens or presents a danger to the security of the institution
31 in which the hearing is being held;

32 (ii) Threatens or presents a danger to other attendees or
33 participants; or

34 (iii) Disrupts the hearing;

35 (3) Close a parole hearing on formal action to deliberate upon the oral
36 testimony and any other relevant information received at the hearing; or

1 (4) After formal action, hold a closed parole hearing on written request of
2 the chief law enforcement official responsible for an ongoing criminal investigation
3 related to the inmate, if the ongoing investigation could be compromised.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1998.