

SENATE BILL 118

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2002 Regular Session
2lr0117

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public
Safety and Correctional Services)**

Requested: November 14, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Parole Commission - Powers of the Commission**

3 FOR the purpose of altering the manner in which open parole hearings are to be
4 conducted; requiring open parole hearings to be conducted by a panel of
5 commissioners instead of hearing examiners; and generally relating to the
6 Maryland Parole Commission.

7 BY repealing and reenacting, with amendments,
8 Article - Correctional Services
9 Section 7-205(a) and 7-304
10 Annotated Code of Maryland
11 (1999 Volume and 2001 Supplement)

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

14 **Article - Correctional Services**

15 7-205.

16 (a) The Commission has the exclusive power to:

17 (1) authorize the parole of an individual sentenced under the laws of the
18 State to any correctional facility in the State;

19 (2) negotiate, enter into, and sign predetermined parole release
20 agreements as provided under subsection (b) of this section;

21 (3) hear cases for parole in which:

22 (i) the Commissioner of Correction, after reviewing the
23 recommendation of the appropriate managing official, objects to a parole;

24 (ii) the inmate was convicted of a homicide; [or]

1 (iii) the inmate is serving a sentence of life imprisonment; OR

2 (IV) THE PAROLE HEARING IS OPEN TO THE PUBLIC UNDER § 7-304
3 OF THIS TITLE.

4 (4) hear exceptions to recommendations of a hearing examiner or a
5 commissioner acting as a hearing examiner;

6 (5) review summarily all recommendations of a hearing examiner or a
7 commissioner acting as a hearing examiner to which an exception has not been filed;

8 (6) hear a case for parole in absentia when an individual who was
9 sentenced in this State to serve a term of imprisonment is in a correctional facility of
10 a jurisdiction other than this State;

11 (7) hear cases of parole revocation; and

12 (8) if delegated by the Governor, hear cases involving an alleged
13 violation of a conditional pardon.

14 7-304.

15 (a) A parole hearing [before the Commission or a hearing examiner] shall be
16 open to the public if:

17 (1) (i) a victim, as defined in § 7-801 of this title, makes a written
18 request [for notification under § 7-801(b)(1)(ii) of this title] TO THE DEPARTMENT
19 FOR NOTIFICATION AND MAINTAINS A CURRENT ADDRESS ON FILE WITH THE
20 DEPARTMENT; or

21 (ii) a victim or a victim's representative files a notification request
22 form under § 11-104 of the Criminal Procedure Article; and

23 (2) within a reasonable amount of time before a scheduled hearing, the
24 victim makes a written request that the hearing be open to the public.

25 (b) The vote of each commissioner when acting collectively or in a panel, [or
26 the decision of an individual commissioner or hearing examiner on a formal action,]
27 TO APPROVE OR DENY PAROLE, [including an action] AND A VOTE to close or restrict
28 access to a parole hearing under subsection (d) of this section, shall be made available
29 to the public.

30 (c) Subject to subsection (d) of this section, the victim or victim's
31 representative has the right to attend an open parole hearing.

32 (d) The Commission[,] OR a panel of commissioners[, an individual
33 commissioner, or a hearing examiner] may:

34 (1) restrict the number of individuals allowed to attend a parole hearing
35 in accordance with physical limitations or security requirements of the facility where
36 the hearing is held;

1 (2) deny admission or continued attendance at a parole hearing to an
2 individual who:

3 (i) threatens or presents a danger to the security of the facility in
4 which the hearing is being held;

5 (ii) threatens or presents a danger to other attendees or
6 participants; or

7 (iii) disrupts the hearing;

8 (3) [by formal action,] close a parole hearing to deliberate on the
9 evidence and any other relevant information received at the hearing; or

10 (4) [by formal action,] close a parole hearing on written request of the
11 chief law enforcement official responsible for an ongoing criminal investigation
12 related to the inmate, if the ongoing investigation could be compromised.

13 (e) This section does not limit the authority of the Commission to hold a parole
14 hearing through the use of a video conference or other means of electronic
15 transmission.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2002.