

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 142 (Senator McFadden)
Judicial Proceedings

Parole - Eligibility - Rehearing

This bill requires the Maryland Parole Commission to periodically review, guide, and recommend individuals for parole. The bill also requires the commission to determine a schedule for rehearing cases for parole release. The schedule may differentiate among classes of inmates. The date for rehearing on an inmate's parole release may not be later than three years after the date of the inmate's last preceding parole hearing. A parole order may not be conditioned on participation in or completion of a program that does not exist or is not planned to be available in the Division of Correction (DOC) or the Department of Public Safety and Correctional Services (DPSCS), including work release or a vocational opportunity.

The bill's provisions are applied to inmates in the custody of DOC after September 30, 2004.

Fiscal Summary

State Effect: Minimal. While this bill could lead to some additional parole hearings and operational changes for the Maryland Parole Commission, its requirements would be handled with existing budgeted resources. Since it is assumed that this bill would not result in any significant numbers of additional parole releases, any potential savings for DOC (or additional costs for supervision for the Division of Parole and Probation) would be minimal.

Local Effect: Potential minimal savings for local detention facilities.

Small Business Effect: None.

Analysis

Current Law: Parole is considered for persons sentenced for a term of six months or more to the jurisdiction of DOC, or to any other place of confinement or detention for violators of State criminal laws, when the prisoner has served one-fourth of the term or consecutive terms in confinement. Commission jurisdiction extends to persons sentenced under State law to any penal or correctional institution, including local jails and detention centers.

The commission uses hearing examiners to hear certain cases for parole release. The commission itself has exclusive power to hear certain serious cases for parole release and to conduct hearings for revocation of parole. The commission can issue warrants for the return to custody of alleged violators of parole and to suspend or revoke parole upon a showing of its violation.

The commission or its hearing examiners must hear cases for parole release at least once a month at each DOC correctional facility and as often as necessary at other correctional facilities in the State at which inmates eligible for parole consideration are confined.

In addition, the commission is required to: (1) evaluate information on the activities of parolees that the Division of Parole and Probation reports; (2) issue warrants or delegate to the Director of the Division of Parole and Probation the authority to issue warrants to retake parolees who are charged with violating a condition of parole; (3) review and make recommendations to the Governor concerning parole of an inmate serving a life sentence and, if requested by the Governor, concerning a pardon, commutation of sentence, or other clemency; (4) establish and modify general policy governing the conduct of parolees; and (5) arrange for psychiatric or psychological examination of parole applicants whenever the commission believes an examination will better enable it to decide on the advisability of parole and include the expense for the examination in its annual budget.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Public Defender, Department of Public Safety and Correctional Services (Maryland Parole Commission), Department of Legislative Services

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ncs/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510