

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 47
Judiciary

(Delegate Bartlett)

Correctional Services - Medical Parole - Life Imprisonment

This bill repeals provisions related to gubernatorial approval of a decision of the Maryland Parole Commission (MPC) to grant medical parole to an inmate serving a term of life imprisonment. Specifically, the bill repeals (1) the requirement for MPC to transmit to the Governor a decision to grant medical parole to such an inmate; (2) the authority of the Governor to disapprove the decision; and (3) the requirement that the decision becomes effective if the Governor does not disapprove the decision, as specified.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MPC has the exclusive power to authorize the parole of an inmate in State correctional facilities. The Patuxent Board of Review (PBR) has the exclusive power to recommend an inmate of the Patuxent Institution for parole to the Secretary of Public Safety and Correctional Services or the Governor.

A person sentenced to a term of incarceration of six months or more is entitled to a parole hearing after having served one-fourth of the term or consecutive terms. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having served one-half of the term. Certain persons are not eligible for parole while serving a mandatory

minimum sentence. A person sentenced to life imprisonment after October 1, 2021, is not eligible for parole consideration until that person has served 20 years. Under specified circumstances, a person sentenced to life imprisonment for first-degree murder is not eligible for parole consideration until that person has served 25 years. Chapter 30 of the 2021 special session eliminated the requirement that the parole of a person serving a parole-eligible life sentence in a State correctional facility or the Patuxent Institution, subsequent to a recommendation for that parole by MPC or PBR, be approved by the Governor. An inmate sentenced to life imprisonment without the possibility of parole is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence. This does not restrict the authority of the Governor to pardon or remit any part of a sentence.

Chapter 299 of 2008 established medical parole as a form of release from incarceration in a State or local correctional facility for incapacitated inmates who, as a result of a medical or mental health condition, disease, or syndrome, pose no danger to public safety. Chapter 515 of 2016 requires that, if MPC decides to grant medical parole, the decision be transmitted to the Governor. The Governor is then required to disapprove a recommendation for medical parole within 180 days of the decision by MPC. If the Governor does not disapprove the decision within that timeframe, the decision to grant parole becomes effective.

Medicaid may reimburse covered health care costs for parolees who are moved to hospitals or nursing facilities. However, among other requirements, such individuals must be placed in medical institutions that are generally available to the public and not operated primarily or exclusively to care for those involved with the criminal justice system. Residents must be free from physical restraint imposed solely for the purposes of discipline or convenience, free to choose visitors, live in an unlocked unit unless otherwise necessary for medical reasons, and be able to conduct private telephone conversations. Medicaid payment is only available when an inmate is an inpatient in a medical institution not under the control of the correctional system.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 920 and SB 744 of 2022.

Designated Cross File: SB 33 (Senator Carter) - Judicial Proceedings.

Information Source(s): Governor's Office; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2023
js/lgc

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