

SENATE BILL 132

E5
HB 47/23 – JUD

(PRE-FILED)

4r1335
CF HB 185

By: **Senator Carter**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2024

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Medical Parole – Life Imprisonment**

3 FOR the purpose of repealing provisions relating to gubernatorial approval of a decision of
4 the Maryland Parole Commission to grant medical parole to an inmate serving a
5 term of life imprisonment; and generally relating to medical parole.

6 BY repealing and reenacting, with amendments,

7 Article – Correctional Services

8 Section 7–309

9 Annotated Code of Maryland

10 (2017 Replacement Volume and 2023 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Correctional Services**

14 7–309.

15 (a) This section applies to any inmate who is sentenced to a term of incarceration
16 for which all sentences being served, including any life sentence, are with the possibility of
17 parole.

18 (b) An inmate who is so chronically debilitated or incapacitated by a medical or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 mental health condition, disease, or syndrome as to be physically incapable of presenting a
2 danger to society may be released on medical parole at any time during the term of that
3 inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this
4 subtitle.

5 (c) (1) A request for a medical parole under this section may be filed with the
6 Maryland Parole Commission by:

7 (i) the inmate seeking the medical parole;

8 (ii) an attorney;

9 (iii) a prison official or employee;

10 (iv) a medical professional;

11 (v) a family member; or

12 (vi) any other person.

13 (2) The request shall be in writing and shall articulate the grounds that
14 support the appropriateness of granting the medical parole.

15 (d) Following review of the request, the Commission may:

16 (1) find the request to be inconsistent with the best interests of public
17 safety and take no further action; or

18 (2) request that department or local correctional facility personnel provide
19 information for formal consideration of parole release.

20 (e) The information to be considered by the Commission before granting medical
21 parole shall, at a minimum, include:

22 (1) (i) a recommendation by the medical professional treating the
23 inmate under contract with the Department or local correctional facility; or

24 (ii) if requested by an individual identified in subsection (c)(1) of this
25 section, one medical evaluation conducted at no cost to the inmate by a medical professional
26 who is independent from the Division of Correction or local correctional facility;

27 (2) the inmate's medical information, including:

28 (i) a description of the inmate's condition, disease, or syndrome;

29 (ii) a prognosis concerning the likelihood of recovery from the
30 condition, disease, or syndrome;

1 (iii) a description of the inmate's physical incapacity and score on the
2 Karnofsky Performance Scale Index or similar classification of physical impairment; and

3 (iv) a mental health evaluation, where relevant;

4 (3) discharge information, including:

5 (i) availability of treatment or professional services within the
6 community;

7 (ii) family support within the community; and

8 (iii) housing availability, including hospital or hospice care; and

9 (4) case management information, including:

10 (i) the circumstances of the current offense;

11 (ii) institutional history;

12 (iii) pending charges, sentences in other jurisdictions, and any other
13 detainers; and

14 (iv) criminal history information.

15 (f) The Commission may require as a condition of release on medical parole that:

16 (1) the parolee agree to placement for a definite or indefinite period of time
17 in a hospital or hospice or other housing accommodation suitable to the parolee's medical
18 condition, including the family home of the parolee, as specified by the Commission or the
19 supervising agent; and

20 (2) the parolee forward authentic copies of applicable medical records to
21 indicate that the particular medical condition giving rise to the release continues to exist.

22 (g) (1) If the Commission has reason to believe that a parolee is no longer so
23 debilitated or incapacitated as to be physically incapable of presenting a danger to society,
24 the parolee shall be returned to the custody of the Division of Correction or the local
25 correctional facility from which the inmate was released.

26 (2) (i) A parole hearing for a parolee returned to custody shall be held
27 to consider whether the parolee remains incapacitated and shall be heard promptly.

28 (ii) A parolee returned to custody under this subsection shall be
29 maintained in custody, if the incapacitation is found to no longer exist.

1 (3) An inmate whose medical parole is revoked for lack of continued
2 incapacitation may be considered for parole in accordance with the eligibility requirements
3 specified in § 7–301 of this subtitle.

4 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to
5 victim notification and opportunity to be heard shall apply to proceedings relating to
6 medical parole.

7 (2) In cases of imminent death, time limits relating to victim notification
8 and opportunity to be heard may be reduced or waived in the discretion of the Commission.

9 [(i) (1) If the Commission decides to grant medical parole to an inmate
10 sentenced to life imprisonment, the decision shall be transmitted to the Governor.

11 (2) The Governor may disapprove the decision by written transmittal to
12 the Commission.

13 (3) If the Governor does not disapprove the decision within 180 days after
14 receipt of the written transmittal, the decision becomes effective.】

15 [(j)] (I) The Commission shall issue regulations to implement the provisions of
16 this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.