

SB0181/293421/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 181
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “individuals;” insert “repealing the authorization for the Governor to disapprove a decision by the Commission to grant medical parole to an incarcerated individual; requiring the Department of Public Safety and Correctional Services to submit to the Commission the names of certain individuals at a certain time; requiring the Commission to conduct a risk assessment for a certain individual at a certain time; requiring the Commission to conduct a certain parole release hearing and determine whether a certain incarcerated individual is suitable for parole at a certain time;”; and in line 9, after “parole;” insert “authorizing the Justice Reinvestment Oversight Board to recommend that a portion of certain savings be distributed to the Commission for a certain purpose;”.

On page 2, after line 4, insert:

“BY repealing and reenacting, without amendments,

Article – State Government

Section 9–3201

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–3207(b)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 3, in lines 29 and 30, strike “MEDICAL PROFESSIONAL” and substitute “PHYSICIAN”.

On page 8, in lines 7 and 8, strike “MEDICAL PROFESSIONAL” and substitute “PHYSICIAN”.

On page 9, in line 8, strike “THE SENTENCE IMPOSED” and substitute “INCARCERATION”; in line 9, strike “REGISTERED OR ELIGIBLE FOR” and substitute “A”; in line 10, strike “REGISTRATION UNDER TITLE 11, SUBTITLE 7” and substitute “, AS DEFINED IN § 11-701”; in line 11, strike “AND”; in line 12, strike “SENTENCED TO” and substitute “SERVING”; in the same line, strike “INCARCERATION” and substitute “CONFINEMENT”; in line 14, strike the period and substitute “; AND”

(5) HAS HAD NO CATEGORY 1A DISCIPLINARY INFRACTIONS WITHIN THE PREVIOUS 3-YEAR PERIOD.

(B) ON AN ONGOING BASIS, THE DEPARTMENT SHALL SUBMIT TO THE COMMISSION THE NAME OF EACH INCARCERATED INDIVIDUAL WHO MEETS THE QUALIFICATIONS UNDER SUBSECTION (A) OF THIS SECTION.

(C) (1) WITHIN 60 DAYS AFTER RECEIPT OF A NAME UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL ORDER A RISK ASSESSMENT FOR THE INCARCERATED INDIVIDUAL IF THE INDIVIDUAL IS SERVING SENTENCES FOR MULTIPLE CRIMES OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, WITH AN AGGREGATE TERM OF CONFINEMENT OF 40 YEARS OR MORE.

(2) THE COMMISSION MAY ORDER A RISK ASSESSMENT FOR ANY OTHER INCARCERATED INDIVIDUAL ELIGIBLE FOR PAROLE UNDER THIS SUBTITLE.

(D) (1) THE COMMISSION SHALL CONDUCT A PAROLE RELEASE HEARING UNDER § 7-306 OR § 7-307 OF THIS SUBTITLE FOR EACH INDIVIDUAL WHOSE NAME IS SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION AND DETERMINE WHETHER THE INCARCERATED INDIVIDUAL IS SUITABLE FOR PAROLE.

(2) THE HEARING UNDER THIS SUBSECTION SHALL BE CONDUCTED:

(I) AS SOON AS POSSIBLE, IF NO RISK ASSESSMENT IS ORDERED; OR

(II) ON COMPLETION OF ANY RISK ASSESSMENT ORDERED.”;

in lines 15, 24, and 30, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively; in line 31, strike “SHALL REVERT TO THE DEPARTMENT AND”; and after line 32, insert:

“(1) CONDUCTING RISK ASSESSMENTS FOR INCARCERATED INDIVIDUALS;”.

On page 10, in lines 1 and 3, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively; in line 1, after “CONDUCTING” insert “PAROLE”; in lines 1 and 2, strike “AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION”; in lines 4 and 5, strike “SUBJECT TO THIS SECTION AND”; and in lines 6 and 24, strike “(E)” and “(F)”, respectively, and substitute “(H)” and “(I)”, respectively.

AMENDMENT NO. 3

On page 11, after line 9, insert:

(Over)

“Article – State Government

9–3201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Justice Reinvestment Oversight Board.
- (c) “Executive Director” means the Executive Director of the Governor’s Office of Crime Prevention and Policy.
- (d) “Fund” means the Performance Incentive Grant Fund established in § 9–3209 of this subtitle.

9–3207.

- (b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.
- (2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.
- (3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) subject to paragraph (6) of this subsection, the remaining savings shall be used for additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council’s Final Report.

(6) The Board may recommend that a portion of the remaining savings identified under paragraph (5)(ii) of this subsection be:

(i) used for the development and implementation of a post–secondary education and workforce training program for each correctional institution in the Division of Correction that provides incarcerated individuals with the requisite training, certifications, and experience to obtain careers in in–demand job sectors; [or]

(ii) for fiscal year 2025 only, distributed to the Office of the Correctional Ombudsman; OR

(iii) DISTRIBUTED TO THE MARYLAND PAROLE COMMISSION FOR THE PURPOSE OF HIRING PSYCHOLOGISTS TO PERFORM RISK ASSESSMENTS OF CANDIDATES FOR GERIATRIC PAROLE UNDER § 7–310 OF THE CORRECTIONAL SERVICES ARTICLE.”