

**HB1123/683021/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1123  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Medical and Elder**” and substitute “**Geriatric and Medical**”; strike beginning with “repealing” in line 3 down through “parole” in line 15 and substitute “requiring the Maryland Parole Commission to consider the age of an incarcerated individual when determining whether to grant parole; altering how the Commission evaluates a request for medical parole, including providing for a meeting between the incarcerated individual and the Commission under certain circumstances; requiring the Commission to develop procedures for assessing parole requests by certain incarcerated individuals; repealing the authorization for the Governor to disapprove of 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; repealing a certain provision related to geriatric parole; authorizing the Justice Reinvestment Oversight Board to recommend that a portion of certain savings be distributed to the Commission for a certain purpose; and generally relating to geriatric and medical parole”; and in line 18, after “Section” insert “7–305 and”.

On page 2, strike in their entirety lines 5 through 9, inclusive, and substitute:

“BY repealing

Article - Criminal Law

Section 14-101(f)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”.

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AMENDMENT NO. 2

On page 2, after line 22, insert:

“7-305.

Each hearing examiner and commissioner determining whether an incarcerated individual is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

- (1) the circumstances surrounding the crime;
- (2) the physical, mental, and moral qualifications of the incarcerated individual;
- (3) the progress of the incarcerated individual during confinement, including the academic progress of the incarcerated individual in the mandatory education program required under § 22-102 of the Education Article;
- (4) a report on a drug or alcohol evaluation that has been conducted on the incarcerated individual, including any recommendations concerning the incarcerated individual’s amenability for treatment and the availability of an appropriate treatment program;
- (5) whether, **TAKING INTO ACCOUNT THE TOTALITY OF THE CIRCUMSTANCES INCLUDING THE AGE OF THE INCARCERATED INDIVIDUAL**, there is reasonable probability that the incarcerated individual, if released on parole, will **[remain at liberty without violating the law] NOT RECIDIVATE;**
- (6) whether release of the incarcerated individual on parole is compatible with **[the welfare of society] PUBLIC SAFETY;**

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(7) an updated victim impact statement or recommendation prepared under § 7–801 of this title;

(8) any recommendation made by the sentencing judge at the time of sentencing;

(9) any information that is presented to a commissioner at a meeting with the victim;

(10) any testimony presented to the Commission by the victim or the victim’s designated representative under § 7–801 of this title; and

(11) compliance with the case plan developed under § 7–301.1 of this subtitle or § 3–601 of this article.”.

On pages 9 and 10, strike beginning with “(1)” in line 26 on page 9 down through “subtitle” in line 5 on page 10 and substitute “**A PAROLEE SHALL BE RETURNED TO THE CUSTODY OF THE DIVISION OF CORRECTION OR THE LOCAL CORRECTIONAL FACILITY FROM WHICH THE PAROLEE WAS RELEASED IF A LICENSED PHYSICIAN HAS DETERMINED THAT THE PAROLEE:**

**(1) (I) IS NO LONGER CHRONICALLY DEBILITATED OR INCAPACITATED; OR**

**(II) NO LONGER SUFFERS FROM A TERMINAL ILLNESS; AND**

**(2) (I) NO LONGER REQUIRES EXTENDED MEDICAL MANAGEMENT WITH HEALTH CARE NEEDS THAT WOULD BE BETTER MET BY COMMUNITY SERVICES; AND**

(Over)

(II) 1. IS NO LONGER PHYSICALLY INCAPABLE OF PRESENTING A DANGER TO SOCIETY BY A PHYSICAL OR MENTAL HEALTH CONDITION, DISEASE, OR SYNDROME; OR

2. IS A DANGER TO SOCIETY”.

On pages 10 through 12, strike in their entirety the lines beginning with line 24 on page 10 down through line 21 on page 12 and substitute:

“(A) THIS SECTION APPLIES ONLY TO AN INCARCERATED INDIVIDUAL WHO:

(1) IS AT LEAST 65 YEARS OLD;

(2) HAS SERVED AT LEAST 20 YEARS OF INCARCERATION;

(3) IS NOT A SEX OFFENDER, AS DEFINED IN § 11-701 OF THE CRIMINAL PROCEDURE ARTICLE;

(4) IS SERVING A TERM OF CONFINEMENT FOR WHICH ALL SENTENCES BEING SERVED, INCLUDING ANY LIFE SENTENCE, ARE WITH THE POSSIBILITY OF PAROLE; 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 SECTION.

(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.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INCARCERATED INDIVIDUAL WHO HAS BEEN DENIED PAROLE UNDER THIS SECTION MAY NOT HAVE A SUBSEQUENT PAROLE HEARING FOR 5 YEARS.

(2) AN INCARCERATED INDIVIDUAL WHO HAS BEEN DENIED PAROLE UNDER THIS SECTION MAY HAVE A SUBSEQUENT PAROLE HEARING AT ANY TIME IF THE COMMISSION DETERMINES THAT EXTRAORDINARY AND COMPELLING CIRCUMSTANCES JUSTIFY THE SUBSEQUENT PAROLE HEARING.

(F) IN ADDITION TO THE FACTORS SPECIFIED UNDER § 7-305 OF THIS SUBTITLE, EACH COMMISSION PANEL DETERMINING WHETHER AN INCARCERATED INDIVIDUAL IS SUITABLE FOR PAROLE SHALL CONSIDER AND GIVE WEIGHT TO THE AGE OF THE INCARCERATED INDIVIDUAL AND THE IMPACT THAT THE AGE OF THE INCARCERATED INDIVIDUAL HAS ON THE RISK THAT THE INCARCERATED INDIVIDUAL WILL RECIDIVATE.

(G) ANY SAVINGS REALIZED BY THE DEPARTMENT AS A RESULT OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF:

(1) CONDUCTING RISK ASSESSMENTS FOR INCARCERATED INDIVIDUALS;

(2) CONDUCTING PAROLE HEARINGS FOR INCARCERATED INDIVIDUALS; AND

(3) PROVIDING PRERELEASE AND REENTRY CASE MANAGEMENT AND RESOURCES FOR INCARCERATED INDIVIDUALS WHO ARE RELEASED ON PAROLE.

(H) EVERY YEAR, THE COMMISSION SHALL REPORT TO THE JUSTICE REINVESTMENT OVERSIGHT BOARD ON THE OUTCOMES OF PAROLE CONSIDERATIONS MADE UNDER THIS SECTION, INCLUDING:

(1) THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE SUBJECT TO THIS SECTION WHO ARE DENIED PAROLE AND RELEASED ON PAROLE;

(2) THE REASON FOR EACH DECISION TO RELEASE AN INCARCERATED INDIVIDUAL ON PAROLE;

(3) THE REASON FOR EACH DECISION TO DENY PAROLE TO AN INCARCERATED INDIVIDUAL;

(4) OF THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE RELEASED ON PAROLE, THE NUMBER OF INDIVIDUALS WHO ARE CONVICTED OF AN OFFENSE COMMITTED AFTER RELEASE;

(5) THE AVERAGE TIME BETWEEN WHEN AN INCARCERATED INDIVIDUAL BECOMES ELIGIBLE FOR PAROLE CONSIDERATION UNDER THIS SECTION AND WHEN THE INCARCERATED INDIVIDUAL RECEIVES THE FIRST PAROLE HEARING REQUIRED BY THIS SECTION; AND

(6) THE AVERAGE TIME BETWEEN PAROLE HEARINGS FOR INCARCERATED INDIVIDUALS WHO ARE SUBJECT TO THIS SECTION.

(1) (1) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(2) THE REGULATIONS REQUIRED BY THIS SUBSECTION SHALL INCLUDE A REQUIREMENT THAT THE DEPARTMENT PROVIDE ANY

(Over)

INCARCERATED INDIVIDUAL SUBJECT TO THIS SECTION WITH INFORMATION ON  
THE REGULATIONS AT LEAST ONCE EVERY YEAR.

Article – Criminal Law

14–101.

[(f) (1) This subsection does not apply to a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article.

(2) A person sentenced under this section may petition for and be granted parole if the person:

(i) is at least 60 years old; and

(ii) has served at least 15 years of the sentence imposed under this section.

(3) The Maryland Parole Commission shall adopt regulations to implement this subsection.]”.

On page 13, in line 34, strike “ELDER” and substitute “GERIATRIC”; and after line 35, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Parole Commission shall make efforts to prioritize conducting parole hearings and issuing recommendations for individuals who are eligible for parole under:

(1) § 7–309 of the Correctional Services Article, as enacted by Section 1 of this Act; and

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(2) § 7-310 of the Correctional Services Article, as enacted by Section 1 of this Act.

On page 14, in line 1, strike “2.” and substitute “3.”.