

HOUSE BILL 1123

E5

5lr3080

By: **Delegates Bartlett and Charkoudian**
Introduced and read first time: February 5, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Medical and Elder Parole**

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 incarcerated
5 individual serving a term of life imprisonment; requiring the Department of Public
6 Safety and Correctional Services to submit to the Commission the names of certain
7 individuals at a certain time; requiring the Commission to conduct a risk assessment
8 for a certain individual at a certain time; requiring the Commission to conduct a
9 certain parole release hearing and determine whether a certain incarcerated
10 individual is suitable for parole at a certain time; authorizing the Justice
11 Reinvestment Oversight Board to recommend that a portion of certain savings be
12 distributed to the Commission for a certain purpose; and generally relating to
13 medical and elder parole.

14 BY repealing and reenacting, with amendments,
15 Article – Correctional Services
16 Section 7–309
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – Correctional Services
21 Section 7–310
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Correctional Services
26 Section 7–801
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – State Government
3 Section 9–3201
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2024 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 9–3207(b)
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2024 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 incarcerated individual who is sentenced to a term
16 of incarceration for which all sentences being served, including any life sentence, are with
17 the possibility of parole.

18 (b) An incarcerated individual who is so chronically debilitated or incapacitated
19 by a medical or mental health condition, disease, or syndrome as to be physically incapable
20 of presenting a danger to society may be released on medical parole at any time during the
21 term of that incarcerated individual’s sentence, without regard to the eligibility standards
22 specified in § 7–301 of this subtitle.

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

25 (i) the incarcerated individual seeking the medical parole;

26 (ii) an attorney;

27 (iii) a prison official or employee;

28 (iv) a medical professional;

29 (v) a family member; or

30 (vi) any other person.

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

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

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

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

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

8 (1) (i) a recommendation by the medical professional treating the
9 incarcerated individual under contract with the Department or local correctional facility;
10 or

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

15 (2) the incarcerated individual's medical information, including:

16 (i) a description of the incarcerated individual's condition, disease,
17 or syndrome;

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

20 (iii) a description of the incarcerated individual's physical incapacity
21 and score on the Karnofsky Performance Scale Index or similar classification of physical
22 impairment; and

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

24 (3) discharge information, including:

25 (i) availability of treatment or professional services within the
26 community;

27 (ii) family support within the community; and

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

29 (4) case management information, including:

30 (i) the circumstances of the current offense;

1 (ii) institutional history;

2 (iii) pending charges, sentences in other jurisdictions, and any other
3 detainers; and

4 (iv) criminal history information.

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

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

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

12 (g) (1) If the Commission has reason to believe that a parolee is no longer so
13 debilitated or incapacitated as to be physically incapable of presenting a danger to society,
14 the parolee shall be returned to the custody of the Division of Correction or the local
15 correctional facility from which the incarcerated individual was released.

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

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

20 (3) An incarcerated individual whose medical parole is revoked for lack of
21 continued incapacitation may be considered for parole in accordance with the eligibility
22 requirements specified in § 7-301 of this subtitle.

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

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

28 (i) [(1) If the Commission decides to grant medical parole to an incarcerated
29 individual sentenced to life imprisonment, the decision shall be transmitted to the
30 Governor.

31 (2) The Governor may disapprove the decision by written transmittal to
32 the Commission.

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

3 (j)] The Commission shall issue regulations to implement the provisions of this
4 section.

5 **7-310.**

6 (A) ON AN ONGOING BASIS, THE DEPARTMENT SHALL SUBMIT TO THE
7 COMMISSION THE NAMES OF EACH INCARCERATED INDIVIDUAL WHO:

8 (1) IS AT LEAST 60 YEARS OLD;

9 (2) HAS BEEN INCARCERATED FOR A CONTINUOUS PERIOD OF AT
10 LEAST 20 YEARS;

11 (3) HAS HAD NO MAJOR DISCIPLINARY INFRACTIONS WITHIN THE
12 PREVIOUS 3-YEAR PERIOD; AND

13 (4) IS NOT SERVING A SENTENCE OF LIFE WITHOUT THE POSSIBILITY
14 OF PAROLE.

15 (B) WITHIN 60 DAYS OF RECEIPT OF A NAME OF AN INCARCERATED
16 INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL
17 CONDUCT A RISK ASSESSMENT FOR THE INCARCERATED INDIVIDUAL.

18 (C) ON COMPLETION OF THE RISK ASSESSMENT, THE COMMISSION SHALL
19 CONDUCT A PAROLE RELEASE HEARING UNDER § 7-306 OR § 7-307 OF THIS
20 SUBTITLE AND DETERMINE WHETHER THE INCARCERATED INDIVIDUAL IS SUITABLE
21 FOR PAROLE.

22 **7-801.**

23 (a) (1) In this subtitle the following words have the meanings indicated.

24 (2) "Victim" has the meaning stated in § 11-104 of the Criminal Procedure
25 Article.

26 (3) "Victim's representative" has the meaning stated in § 11-104 of the
27 Criminal Procedure Article.

28 (b) (1) At least 90 days before an incarcerated individual's parole release
29 hearing, the Department shall notify the victim or the victim's representative in writing,
30 directed to the most current address on file, that the parole release hearing has been
31 scheduled if:

1 (i) the victim or the victim's representative filed a notification
2 request form under § 11-104 of the Criminal Procedure Article; or

3 (ii) the victim makes a written request to the Department for
4 notification and maintains a current address on file with the Department.

5 (2) The victim may designate in writing to the Department the name and
6 address of a representative who is a resident of the State to receive notice for the victim.

7 (c) (1) Not later than 30 days after the date of the Department's notice under
8 subsection (b) of this section, the victim of a crime may submit to the Department a written
9 request that the Division of Parole and Probation be required to complete an updated victim
10 impact statement.

11 (2) If the victim submits a request as authorized by paragraph (1) of this
12 subsection, the Department shall direct the Division of Parole and Probation to:

13 (i) complete the updated statement at least 30 days before the
14 parole release hearing; and

15 (ii) send promptly the updated victim impact statement to the
16 Commission.

17 (d) A victim may:

18 (1) at least 30 days before the parole release hearing:

19 (i) make a written recommendation to the Commission on the
20 advisability of releasing the incarcerated individual on parole; and

21 (ii) request that the incarcerated individual be prohibited from
22 having any contact with the victim as a condition of parole, mandatory supervision, work
23 release, or other administrative release; and

24 (2) request a meeting with a commissioner.

25 (e) The Commission shall make an updated victim impact statement and a
26 victim's written recommendation available for review by the incarcerated individual or the
27 incarcerated individual's representative under § 7-303(b) of this title.

28 (f) The Commission shall consider an updated victim impact statement or
29 victim's written recommendation at the parole release hearing.

30 (g) If a victim requested an open hearing under § 7-304 of this title, the victim
31 may present oral testimony at the incarcerated individual's parole release hearing in a
32 manner established in regulations adopted by the Commission.

1 (h) The Department shall notify promptly the victim or the victim's
2 representative of the decision of the Commission regarding parole for the incarcerated
3 individual.

4 Article – State Government

5 9–3201.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) “Board” means the Justice Reinvestment Oversight Board.

8 (c) “Executive Director” means the Executive Director of the Governor’s Office of
9 Crime Prevention and Policy.

10 (d) “Fund” means the Performance Incentive Grant Fund established in § 9–3209
11 of this subtitle.

12 9–3207.

13 (b) (1) In collaboration with the Department of Public Safety and Correctional
14 Services, the Board shall determine the annual savings from the implementation of the
15 recommendations of the Justice Reinvestment Coordinating Council based on the
16 difference between the prison population as measured on October 1, 2017, the baseline day,
17 and the prison population as measured on October 1, 2018, the comparison day, and the
18 variable cost of incarceration.

19 (2) If the prison population on the comparison day is less than the prison
20 population on the baseline day, the Board shall determine a savings based on the difference
21 in the prison population multiplied by the variable cost.

22 (3) The Board annually shall determine the difference between the prison
23 population on October 1, 2017, and the prison population on October 1 of the current year
24 and calculate any savings in accordance with paragraph (2) of this subsection.

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

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

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

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

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

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

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

12 **(III) DISTRIBUTED TO THE MARYLAND PAROLE COMMISSION**
13 **FOR THE PURPOSE OF HIRING PSYCHOLOGISTS TO PERFORM RISK ASSESSMENTS OF**
14 **CANDIDATES FOR ELDER PAROLE UNDER § 7-310 OF THE CORRECTIONAL SERVICES**
15 **ARTICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2025.