HOUSE BILL 1156

E5 5lr3152

By: Delegate Phillips

Introduced and read first time: February 6, 2025

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning			
2 3	Correctional Services – Maryland Parole Commission – Members and Hearing Examiners			
4 5 6 7	FOR the purpose of altering the number of members of the Maryland Parole Commission; altering the appointing authority and method of appointment of parole commissioners; repealing the authority of the Commission to appoint and utilize hearing examiners; and generally relating to the Maryland Parole Commission.			
8 9 10 11 12	BY repealing and reenacting, with amendments, Article – Correctional Services Section 7–202, 7–204, 7–205(a), 7–207, 7–302, 7–303, and 7–305 Annotated Code of Maryland (2017 Replacement Volume and 2024 Supplement)			
13 14 15 16 17	BY repealing Article – Correctional Services Section 7–306 Annotated Code of Maryland (2017 Replacement Volume and 2024 Supplement)			
18 19 20 21 22	BY repealing and reenacting, without amendments, Article – Correctional Services Section 7–307 Annotated Code of Maryland (2017 Replacement Volume and 2024 Supplement)			
23 24	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
25	Article - Correctional Services			



- 1 7–202.
- 2 (a) (1) The Commission consists of [ten] AT LEAST 15 BUT NOT MORE THAN
- 3 20 members.
- 4 (2) (I) [With the approval of the] SUBJECT TO SUBPARAGRAPH (III)
- 5 OF THIS PARAGRAPH, THE Governor [and the advice and consent of the Senate, the
- 6 Secretary shall appoint the members of the Commission FROM AMONG NOMINEES
- 7 CHOSEN BY A PANEL CONSISTING OF:
- 1. THE EXECUTIVE DIRECTOR OF THE MARYLAND
- 9 POLICE TRAINING AND STANDARDS COMMISSION;
- 10 2. THE PUBLIC DEFENDER OF MARYLAND;
- 3. THE PRESIDENT OF THE MARYLAND STATE'S
- 12 ATTORNEYS' ASSOCIATION;
- 13 4. THREE SERVICE PROVIDERS FROM THE FIELDS OF
- 14 MENTAL HEALTH, SUBSTANCE USE TREATMENT, VOCATIONAL AND EDUCATIONAL
- 15 TRAINING, OR COMMUNITY ORGANIZING, APPOINTED BY THE GOVERNOR;
- 5. THE STATE SUPERINTENDENT OF EDUCATION;
- 17 6. THE PRESIDENT OF THE NATIONAL ASSOCIATION OF
- 18 SOCIAL WORKERS MARYLAND CHAPTER, OR THE PRESIDENT'S DESIGNEE;
- 7. THREE MEMBERS OF THE GENERAL PUBLIC.
- 20 APPOINTED BY THE GOVERNOR; AND
- 8. ONE PRISONERS' RIGHTS ADVOCATE, CHOSEN BY THE
- 22 GOVERNOR.
- 23 (II) THE PANEL SHALL SUBMIT TO THE GOVERNOR THE NAMES
- 24 OF AT LEAST THREE QUALIFIED NOMINEES FOR EACH COMMISSIONER VACANCY TO
- 25 BE FILLED.
- 26 (III) THE REQUIREMENT FOR NOMINATION BY THE PANEL
- 27 UNDER THIS PARAGRAPH APPLIES ONLY TO AN INITIAL TERM AS COMMISSIONER
- 28 AND NOT TO ANY SUBSEQUENT CONSECUTIVE TERM OF A SITTING COMMISSIONER
- 29 WHOSE INITIAL APPOINTMENT TO OFFICE WAS MADE PURSUANT TO PANEL
- 30 NOMINATION.
- 31 (b) Each commissioner shall:

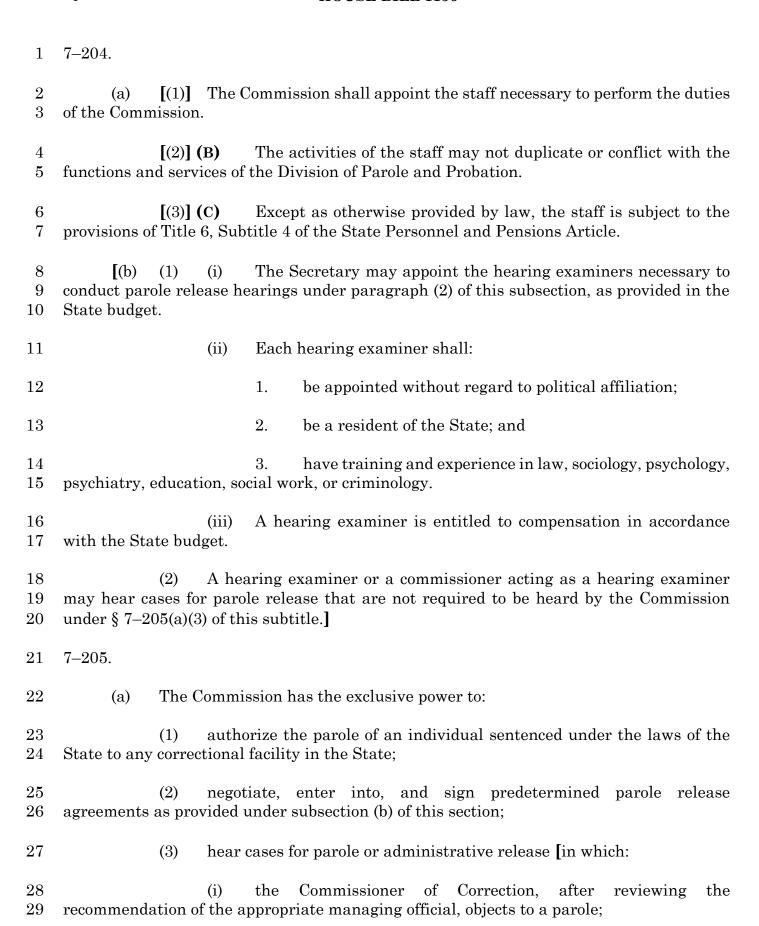
1 (1) be appointed without regard to political affiliation; 2 (2) be a resident of the State; and 3 have training and experience in law, sociology, psychology, psychiatry, (3) education, social work, or criminology. 4 Each commissioner: 5 (c) 6 (1) shall devote full time to the duties of the Commission: and 7 may not have any other employment that conflicts with the commissioner's devotion of full time to the duties of the Commission. 8 9 (d) (1) The term of a commissioner is 6 years. 10 At the end of a term, a commissioner continues to serve until a successor 11 is appointed and qualifies. 12 A commissioner who is appointed after a term has begun serves only for (3)13 the rest of the term and until a successor is appointed and qualifies. 14 (e) (1) With the approval of the Governor, the Secretary may remove a 15 commissioner for disability, neglect of duty, or misconduct in office. 16 (2)Before removing a commissioner, the Secretary shall: 17 give the commissioner written notice of the charges against the (i) 18 commissioner; and 19 hold a public hearing on the charges. (ii) 20 If a commissioner is unable to perform the commissioner's duties because of sickness, incapacity, or disqualification, the Secretary may appoint a hearing 2122examiner to the Commission to perform those duties until that commissioner is able to 23 resume those duties or until a new commissioner is appointed and qualifies. 24A hearing examiner appointed under this subsection is entitled to the same compensation as a commissioner. 25 26 A hearing examiner appointed under this subsection may not 27 participate in a proceeding before the Commission in which the hearing examiner participated as a hearing examiner. 28

With the approval of the Governor, the Secretary shall designate a

chairperson of the Commission from among its members.

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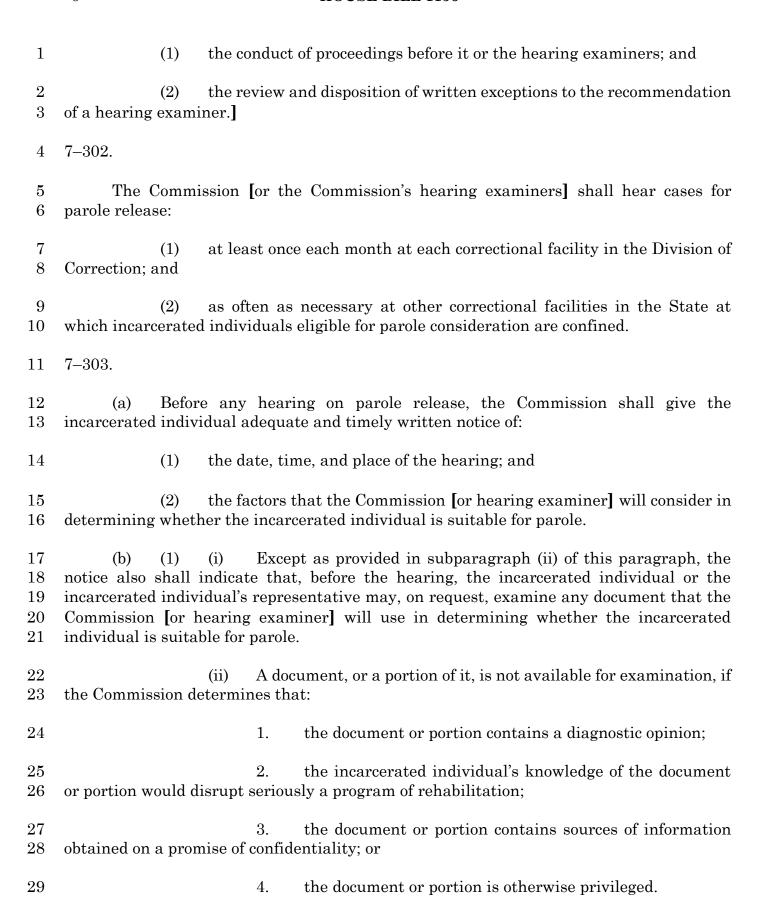
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1		(ii)	the incarcerated individual was convicted of a homicide;	
2 3	imprisonment;	(iii)	the incarcerated individual is serving a sentence of life	
4		(iv)	the parole hearing is open to the public under \S 7–304 of this title;	
5 6	administrative rele	(v) ease pi	the incarcerated individual fails to meet the requirements of the cocess established under § 7–301.1 of this title;	
7 8	title; or	(vi)	a victim requests a hearing as provided under $\S 7-301.1$ of this	
9 10	(vii) the Commission finds that a hearing for administrative release is necessary under § 7–301.1 of this title];			
11 12	(4) commissioner actin	_	exceptions to recommendations of a hearing examiner or a hearing examiner;	
13 14	(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;			
15 16 17	(6)] hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;			
18	[(7)]	(5)	hear cases of parole revocation;	
19 20	[(8)] (violation of a condi	` '	if delegated by the Governor, hear cases involving an alleged pardon; and	
21 22	of this title. [(9)]	(7)	determine conditions for administrative release under $\S~7-301.1$	
23	7–207.			
24 25		-	ct to the approval of the Secretary, the Commission shall adopt policies and activities under this title.	
26 27 28 29		cle, re OF TH	Notwithstanding the provisions of § 10–101(g)(2)(i) of the State gulations adopted under [paragraph (1) of this subsection] IS SECTION shall comply with Title 10, Subtitle 1 of the State	

[(b) The Commission may adopt regulations governing:

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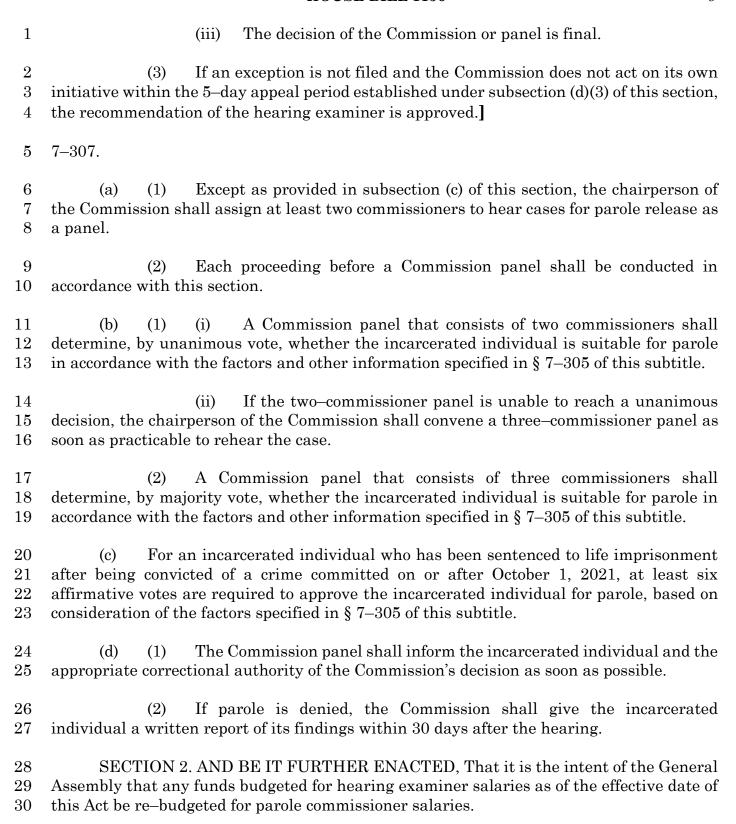


1 If the Commission determines that a document or a portion of it 2 is not available for examination, the Commission shall notify the incarcerated individual 3 that: 4 1. the document or portion is not available for examination; 5 and 6 2. on request and if appropriate, the Commission will provide 7 the incarcerated individual or the incarcerated individual's representative with the 8 substance of any information contained in the document or portion. 9 (2) The Commission shall delete the address and phone number of the 10 victim or the victim's designated representative from a document before the incarcerated 11 individual or the incarcerated individual's representative examines the document. 12 7 - 305. Each [hearing examiner and] commissioner determining whether an incarcerated 13 14 individual is suitable for parole, and the Commission before entering into a predetermined 15 parole release agreement, shall consider: 16 (1) the circumstances surrounding the crime; 17 (2) the physical, mental, and moral qualifications of the incarcerated 18 individual; 19 the progress of the incarcerated individual during confinement, (3)20 including the academic progress of the incarcerated individual in the mandatory education 21program required under § 22–102 of the Education Article; 22a report on a drug or alcohol evaluation that has been conducted on the **(4)** 23incarcerated individual, including any recommendations concerning the incarcerated 24individual's amenability for treatment and the availability of an appropriate treatment 25program; 26 whether there is reasonable probability that the incarcerated individual, if released on parole, will remain at liberty without violating the law; 2728 (6) whether release of the incarcerated individual on parole is compatible with the welfare of society; 2930 an updated victim impact statement or recommendation prepared under § 7–801 of this title; 31 32 (8)any recommendation made by the sentencing judge at the time of

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sentencing;

- 1 (9) any information that is presented to a commissioner at a meeting with 2 the victim;
- 3 (10) any testimony presented to the Commission by the victim or the victim's 4 designated representative under § 7–801 of this title; and
- 5 (11) compliance with the case plan developed under § 7–301.1 of this subtitle 6 or § 3–601 of this article.
- 7 [7–306.
- 8 (a) (1) The chairperson of the Commission shall assign hearing examiners, or commissioners acting as hearing examiners, as required to hear cases for parole.
- 10 (2) Each proceeding before a hearing examiner shall be conducted in accordance with this section.
- 12 (b) The Commission shall keep a record of each hearing conducted by a hearing 13 examiner.
- 14 (c) A hearing examiner shall determine if an incarcerated individual is suitable 15 for parole in accordance with the factors and other information specified in § 7–305 of this 16 subtitle.
- 17 (d) (1) At the conclusion of the hearing, the hearing examiner shall inform the incarcerated individual of the hearing examiner's recommendation for parole or denial of parole.
- 20 (2) Within 21 days after the hearing, the hearing examiner shall give to the Commission, the Commissioner of Correction, and the incarcerated individual a written report of the hearing examiner's findings and recommendation for parole or denial of parole.
- 23 (3) The Commissioner of Correction or the incarcerated individual may file 24 with the Commission written exceptions to the report of a hearing examiner no later than 25 days after the report is received.
- 26 (e) (1) Subject to paragraph (2) of this subsection, one commissioner assigned 27 by the chairperson of the Commission shall review summarily the recommendation of the 28 hearing examiner.
- 29 (2) (i) The Commission, on its own initiative or on the filing of an exception, may schedule a hearing on the record by the entire Commission or by a panel of at least two commissioners assigned by the chairperson of the Commission.
- 32 (ii) The Commission or panel shall render a written decision on the 33 appeal.



SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.