

# SENATE BILL 181

E5

(5lr1502)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Hettleman~~ Senators Hettleman, Charles, Henson, Love, Muse, Smith, Sydnor, and West

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Correctional Services – Geriatric and Medical Parole**

3 FOR the purpose of requiring the Maryland Parole Commission to consider the age of an  
4 incarcerated individual when determining whether to grant parole; altering how the  
5 Commission evaluates a request for medical parole, including providing for a  
6 meeting between the incarcerated individual and the Commission under certain  
7 circumstances; requiring the Commission to develop procedures for assessing parole  
8 requests by certain incarcerated individuals; *repealing the authorization for the*  
9 *Governor to disapprove a decision by the Commission to grant medical parole to an*  
10 *incarcerated individual; requiring the Department of Public Safety and Correctional*  
11 *Services to submit to the Commission the names of certain individuals at a certain*  
12 *time; requiring the Commission to conduct a risk assessment for a certain individual*  
13 *at a certain time; requiring the Commission to conduct a certain parole release*  
14 *hearing and determine whether a certain incarcerated individual is suitable for*

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 parole at a certain time; repealing a certain provision related to geriatric parole;  
 2 authorizing the Justice Reinvestment Oversight Board to recommend that a portion  
 3 of certain savings be distributed to the Commission for a certain purpose; and  
 4 generally relating to geriatric and medical parole.

5 BY repealing and reenacting, with amendments,  
 6 Article – Correctional Services  
 7 Section 7–305 and 7–309  
 8 Annotated Code of Maryland  
 9 (2017 Replacement Volume and 2024 Supplement)

10 BY adding to  
 11 Article – Correctional Services  
 12 Section 7–310  
 13 Annotated Code of Maryland  
 14 (2017 Replacement Volume and 2024 Supplement)

15 BY repealing  
 16 Article – Criminal Law  
 17 Section 14–101(f)  
 18 Annotated Code of Maryland  
 19 (2021 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,  
 21 Article – State Government  
 22 Section 9–3201  
 23 Annotated Code of Maryland  
 24 (2021 Replacement Volume and 2024 Supplement)

25 BY repealing and reenacting, with amendments,  
 26 Article – State Government  
 27 Section 9–3207(b)  
 28 Annotated Code of Maryland  
 29 (2021 Replacement Volume and 2024 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 31 That the Laws of Maryland read as follows:

### 32 Article – Correctional Services

33 7–305.

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

37 (1) the circumstances surrounding the crime;

1 (2) the physical, mental, and moral qualifications of the incarcerated  
2 individual;

3 (3) the progress of the incarcerated individual during confinement,  
4 including the academic progress of the incarcerated individual in the mandatory education  
5 program required under § 22–102 of the Education Article;

6 (4) a report on a drug or alcohol evaluation that has been conducted on the  
7 incarcerated individual, including any recommendations concerning the incarcerated  
8 individual's amenability for treatment and the availability of an appropriate treatment  
9 program;

10 (5) whether, **TAKING INTO ACCOUNT THE TOTALITY OF THE**  
11 **CIRCUMSTANCES INCLUDING THE AGE OF THE INCARCERATED INDIVIDUAL**, there is  
12 reasonable probability that the incarcerated individual, if released on parole, will [remain  
13 at liberty without violating the law] **NOT RECIDIVATE**;

14 (6) whether release of the incarcerated individual on parole is compatible  
15 with [the welfare of society] **PUBLIC SAFETY**;

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

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

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

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

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

26 7–309.

27 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
28 **INDICATED.**

29 **(2) (1) “CHRONICALLY DEBILITATED OR INCAPACITATED” MEANS**  
30 **HAVING A DIAGNOSABLE MEDICAL CONDITION THAT IS UNLIKELY TO IMPROVE IN**  
31 **THE FUTURE AND PREVENTS THE INDIVIDUAL FROM COMPLETING MORE THAN ONE**  
32 **ACTIVITY OF DAILY LIVING, INCLUDING EATING, BREATHING, DRESSING,**  
33 **GROOMING, TOILETING, WALKING, OR BATHING, WITHOUT ASSISTANCE**

1 SUBSTANTIALLY DIMINISHES THE ABILITY OF THE INDIVIDUAL TO PROVIDE  
 2 SELF-CARE.

3 (II) "CHRONICALLY DEBILITATED OR INCAPACITATED"  
 4 INCLUDES CONDITIONS SUCH AS DEMENTIA OR A SEVERE, PERMANENT MEDICAL OR  
 5 COGNITIVE DISABILITY IF THE CONDITION ~~PREVENTS THE INDIVIDUAL FROM~~  
 6 ~~COMPLETING MORE THAN ONE ACTIVITY OF DAILY LIVING~~ SUBSTANTIALLY  
 7 DIMINISHES THE ABILITY OF THE INDIVIDUAL TO PROVIDE SELF-CARE.

8 (3) "TERMINAL ILLNESS" MEANS A DISEASE OR CONDITION WITH AN  
 9 END-OF-LIFE TRAJECTORY.

10 (B) This section applies to any incarcerated individual who is sentenced to a term  
 11 of incarceration for which all sentences being served, including any life sentence, are with  
 12 the possibility of parole.

13 [(b)] (C) An incarcerated individual [who is so chronically debilitated or  
 14 incapacitated by a medical or mental health condition, disease, or syndrome as to be  
 15 physically incapable of presenting a danger to society] may be released on medical parole  
 16 at any time during the term of that incarcerated individual's sentence, without regard to  
 17 the eligibility standards specified in § 7-301 of this subtitle ~~IF A LICENSED MEDICAL~~  
 18 ~~PROFESSIONAL~~ PHYSICIAN HAS DETERMINED THAT THE INCARCERATED  
 19 INDIVIDUAL:

20 (1) (I) IS CHRONICALLY DEBILITATED OR INCAPACITATED; OR

21 (II) SUFFERS FROM A TERMINAL ILLNESS; AND

22 (2) (I) REQUIRES EXTENDED MEDICAL MANAGEMENT WITH  
 23 HEALTH CARE NEEDS THAT WOULD BE BETTER MET BY COMMUNITY SERVICES; ~~OR~~  
 24 AND

25 (II) 1. HAS BEEN RENDERED PHYSICALLY INCAPABLE OF  
 26 PRESENTING A DANGER TO SOCIETY BY A PHYSICAL OR MENTAL HEALTH  
 27 CONDITION, DISEASE, OR SYNDROME; OR

28 2. IS NO LONGER A DANGER TO PUBLIC SAFETY.

29 (D) (1) THE INFORMATION TO BE CONSIDERED BY THE COMMISSION  
 30 BEFORE GRANTING MEDICAL PAROLE SHALL, AT A MINIMUM, INCLUDE:

31 (I) 1. A RECOMMENDATION BY THE MEDICAL  
 32 PROFESSIONAL TREATING THE INCARCERATED INDIVIDUAL UNDER CONTRACT  
 33 WITH THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY; OR

1                                   **2. IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN**  
2 **SUBSECTION (E)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT**  
3 **NO COST TO THE INCARCERATED INDIVIDUAL BY A MEDICAL PROFESSIONAL WHO IS**  
4 **INDEPENDENT FROM THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL**  
5 **FACILITY;**

6                                   **(II) THE INCARCERATED INDIVIDUAL'S MEDICAL**  
7 **INFORMATION, INCLUDING:**

8                                   **1. A DESCRIPTION OF THE INCARCERATED**  
9 **INDIVIDUAL'S CONDITION, DISEASE, OR SYNDROME;**

10                                   **2. A PROGNOSIS CONCERNING THE LIKELIHOOD OF**  
11 **RECOVERY FROM THE CONDITION, DISEASE, OR SYNDROME;**

12                                   **3. A DESCRIPTION OF THE INCARCERATED**  
13 **INDIVIDUAL'S PHYSICAL INCAPACITY; AND**

14                                   **4. A MENTAL HEALTH EVALUATION, WHERE RELEVANT;**

15                                   **(III) DISCHARGE INFORMATION, INCLUDING:**

16                                   **1. AVAILABILITY OF TREATMENT OR PROFESSIONAL**  
17 **SERVICES WITHIN THE COMMUNITY;**

18                                   **2. FAMILY SUPPORT WITHIN THE COMMUNITY; AND**

19                                   **3. HOUSING AVAILABILITY, INCLUDING HOSPITAL OR**  
20 **HOSPICE CARE; AND**

21                                   **(IV) CASE MANAGEMENT INFORMATION, INCLUDING:**

22                                   **1. THE CIRCUMSTANCES OF THE CURRENT OFFENSE;**

23                                   **2. INSTITUTIONAL HISTORY;**

24                                   **3. PENDING CHARGES, SENTENCES IN OTHER**  
25 **JURISDICTIONS, AND ANY OTHER DETAINERS; AND**

26                                   **4. CRIMINAL HISTORY INFORMATION.**

27                                   **(2) IF A MEDICAL EVALUATION IS REQUESTED UNDER PARAGRAPH**  
28 **(1)(I)2 OF THIS SUBSECTION:**

1           **(I) THE EVALUATION SHALL CONSIST OF AN IN-PERSON**  
2 **EXAMINATION OF THE INCARCERATED INDIVIDUAL; AND**

3           **(II) THE COMMISSION SHALL GIVE EQUAL CONSIDERATION TO**  
4 **THE FINDINGS OF THE EVALUATION AND ANY MEDICAL CONDITION DETAILED IN**  
5 **THE EVALUATION IN CONSIDERING WHETHER TO GRANT MEDICAL PAROLE.**

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

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

9                   (ii) an attorney;

10                  (iii) a prison official or employee;

11                  (iv) a medical professional;

12                  (v) a family member; or

13                  (vi) any other person.

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

16           **(F) (1) THE INCARCERATED INDIVIDUAL OR THE INCARCERATED**  
17 **INDIVIDUAL'S REPRESENTATIVE MAY REQUEST A MEETING WITH THE COMMISSION.**

18           **(2) IF A REQUEST FOR A MEETING IS MADE UNDER PARAGRAPH (1) OF**  
19 **THIS SUBSECTION:**

20           **(I) THE COMMISSION SHALL GRANT THE REQUEST FOR A**  
21 **MEETING FOR ANY INCARCERATED INDIVIDUAL:**

22                   **1. HOUSED IN AN INFIRMARY OF A CORRECTIONAL**  
23 **FACILITY;**

24                   **2. CURRENTLY HOSPITALIZED OUTSIDE A**  
25 **CORRECTIONAL FACILITY; OR**

26                   **3. WHO HAS BEEN FREQUENTLY HOUSED IN AN**  
27 **INFIRMARY OF A CORRECTIONAL FACILITY OR HOSPITALIZED OUTSIDE A**  
28 **CORRECTIONAL FACILITY IN THE PRECEDING 6 MONTHS; AND**

1                   **(II) THE COMMISSION MAY, AT ITS DISCRETION, GRANT THE**  
2 **REQUEST FOR A MEETING FOR ANY INCARCERATED INDIVIDUAL WHO DOES NOT**  
3 **MEET THE REQUIREMENTS OF ITEM (I) OF THIS PARAGRAPH.**

4           **[(d)] (G)**       Following review of the request, the Commission may:

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

7                   (2)     request that **[department] DEPARTMENT** or local correctional facility  
8 personnel provide information for formal consideration of parole release.

9           **[(e)]**     The information to be considered by the Commission before granting medical  
10 parole shall, at a minimum, include:

11                   (1)     (i)     a recommendation by the medical professional treating the  
12 incarcerated individual under contract with the Department or local correctional facility;  
13 or

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

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

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

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

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

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

27                   (3)     discharge information, including:

28                               (i)     availability of treatment or professional services within the  
29 community;

30                               (ii)   family support within the community; and

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

- 1 (4) case management information, including:
- 2 (i) the circumstances of the current offense;
- 3 (ii) institutional history;
- 4 (iii) pending charges, sentences in other jurisdictions, and any other  
5 detainers; and
- 6 (iv) criminal history information.]

7 [(f)] (H) The Commission may require as a condition of release on medical parole  
8 that:

9 (1) the parolee agree to placement for a definite or indefinite period of time  
10 [in a hospital or hospice or other] **UNDER THE CARE OF A MEDICAL PROVIDER AND IN**  
11 **A housing accommodation suitable to the parolee's medical condition, including the family**  
12 **home of the parolee, as specified by the Commission or the supervising agent; and**

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

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

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

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

23 ~~(3) An incarcerated individual whose medical parole is revoked for lack of~~  
24 ~~continued incapacitation may be considered for parole in accordance with the eligibility~~  
25 ~~requirements specified in § 7-301 of this subtitle **A PAROLEE SHALL BE RETURNED TO**~~  
26 **THE CUSTODY OF THE DIVISION OF CORRECTION OR THE LOCAL CORRECTIONAL**  
27 **FACILITY FROM WHICH THE PAROLEE WAS RELEASED IF A LICENSED MEDICAL**  
28 **PROFESSIONAL PHYSICIAN HAS DETERMINED THAT THE PAROLEE:**

29 **(1) (I) IS NO LONGER CHRONICALLY DISABLED OR**  
30 **INCAPACITATED; OR**

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



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

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

7           **2. IS A DANGER TO PUBLIC SAFETY.**

8           **[(h)] (J) (1) IN THIS SUBSECTION, “IMMINENT DEATH” MEANS DEATH**  
 9 **THAT IS LIKELY TO OCCUR WITHIN 6 MONTHS.**

10           **(2)** Subject to paragraph **[(2)] (3)** of this subsection, provisions of law  
 11 relating to victim notification and opportunity to be heard shall apply to proceedings  
 12 relating to medical parole.

13           **[(2)] (3)** In cases of imminent death, time limits relating to victim  
 14 notification and opportunity to be heard may be reduced or waived in the discretion of the  
 15 Commission.

16           **[(i)] (1)** If the Commission decides to grant medical parole to an incarcerated  
 17 individual sentenced to life imprisonment, the decision shall be transmitted to the  
 18 Governor.

19           **(2)** The Governor may disapprove the decision by written transmittal to  
 20 the Commission.

21           **(3)** If the Governor does not disapprove the decision within 180 days after  
 22 receipt of the written transmittal, the decision becomes effective.]

23           **[(j)] (K)** The Commission shall **[issue] ADOPT** regulations to implement the  
 24 provisions of this section.

25 **7-310.**

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

27           **(1) IS AT LEAST ~~60~~ 65 YEARS OLD;**

28           **(2) HAS SERVED AT LEAST ~~15~~ 20 YEARS OF ~~THE SENTENCE IMPOSED~~**  
 29 **INCARCERATION;**

1           (3) IS NOT ~~REGISTERED OR ELIGIBLE FOR A~~ SEX OFFENDER  
2 ~~REGISTRATION UNDER TITLE 11, SUBTITLE 7, AS DEFINED IN § 11-701~~ OF THE  
3 CRIMINAL PROCEDURE ARTICLE; ~~AND~~

4           (4) IS ~~SENTENCED TO~~ SERVING A TERM OF ~~INCARCERATION~~  
5 CONFINEMENT FOR WHICH ALL SENTENCES BEING SERVED, INCLUDING ANY LIFE  
6 SENTENCE, ARE WITH THE POSSIBILITY OF PAROLE; AND

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

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

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

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

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

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

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

26           (II) ON COMPLETION OF ANY RISK ASSESSMENT ORDERED.

27           ~~(B) (E) AN INCARCERATED INDIVIDUAL CONSIDERED FOR PAROLE~~  
28 ~~UNDER THIS SECTION SHALL HAVE A PAROLE HEARING EVERY 2 YEARS~~

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

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

5           ~~(E)~~ **(F)**       IN ADDITION TO THE FACTORS SPECIFIED UNDER § 7-305 OF THIS  
6 SUBTITLE, EACH COMMISSION PANEL DETERMINING WHETHER AN INCARCERATED  
7 INDIVIDUAL IS SUITABLE FOR PAROLE SHALL CONSIDER AND GIVE WEIGHT TO THE  
8 AGE OF THE INCARCERATED INDIVIDUAL AND THE IMPACT THAT THE AGE OF THE  
9 INCARCERATED INDIVIDUAL HAS ON REDUCING THE RISK THAT THE INCARCERATED  
10 INDIVIDUAL WILL ~~NOT~~ RECIDIVATE.

11           ~~(D)~~ **(G)**       ANY SAVINGS REALIZED BY THE DEPARTMENT AS A RESULT OF  
12 THIS SECTION ~~SHALL REVERT TO THE DEPARTMENT AND~~ SHALL BE USED FOR THE  
13 PURPOSE OF:

14           **(1) CONDUCTING RISK ASSESSMENTS FOR INCARCERATED**  
15 **INDIVIDUALS;**

16           ~~(1)~~ **(2)**       CONDUCTING PAROLE HEARINGS FOR INCARCERATED  
17 INDIVIDUALS ~~AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION;~~ AND

18           ~~(2)~~ **(3)**       PROVIDING PRERELEASE AND REENTRY CASE  
19 MANAGEMENT AND RESOURCES FOR INCARCERATED INDIVIDUALS WHO ARE  
20 ~~SUBJECT TO THIS SECTION AND~~ RELEASED ON PAROLE.

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

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

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

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

30           **(4)**       OF THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE  
31 RELEASED ON PAROLE, THE NUMBER OF INDIVIDUALS WHO ARE CONVICTED OF AN  
32 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.

~~(F)~~ (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 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.]

#### 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.

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

3 9–3207.

4           (b) (1) In collaboration with the Department of Public Safety and Correctional  
5 Services, the Board shall determine the annual savings from the implementation of the  
6 recommendations of the Justice Reinvestment Coordinating Council based on the difference  
7 between the prison population as measured on October 1, 2017, the baseline day, and the  
8 prison population as measured on October 1, 2018, the comparison day, and the variable  
9 cost of incarceration.

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

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

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

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

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

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

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

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

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

1                                    **(III) DISTRIBUTED TO THE MARYLAND PAROLE COMMISSION**  
 2 **FOR THE PURPOSE OF HIRING PSYCHOLOGISTS TO PERFORM RISK ASSESSMENTS OF**  
 3 **CANDIDATES FOR GERIATRIC PAROLE UNDER § 7-310 OF THE CORRECTIONAL**  
 4 **SERVICES ARTICLE.**

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

8                    (1)    § 7-309 of the Correctional Services Article, as enacted by Section 1 of  
 9 this Act; and

10                   (2)    § 7-310 of the Correctional Services Article, as enacted by Section 1 of  
 11 this Act.

12                   ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13 October 1, 2025.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.