

SENATE BILL 648

E5
SB 132/24 – JPR

5lr2876
CF HB 311

By: ~~Senators Muse and Charles~~, Charles, Henson, James, Love, Smith, Sydnor, Waldstreicher, and West

Introduced and read first time: January 25, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2025

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Medical Parole – Life Imprisonment**

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; and generally relating to medical
6 parole.

7 BY repealing and reenacting, with amendments,
8 Article – Correctional Services
9 Section 7–309
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2024 Supplement)

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

14 **Article – Correctional Services**

15 7–309.

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

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.



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

6 (c) (1) A request for a medical parole under this section may be filed with the
7 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 (d) Following review of the request, the Commission may:

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

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

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

23 (1) (i) a recommendation by the medical professional treating the
24 incarcerated individual under contract with the Department or local correctional facility;
25 or

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

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

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

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

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

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

9 (3) discharge information, including:

10 (i) availability of treatment or professional services within the
11 community;

12 (ii) family support within the community; and

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

14 (4) case management information, including:

15 (i) the circumstances of the current offense;

16 (ii) institutional history;

17 (iii) pending charges, sentences in other jurisdictions, and any other
18 detainees; and

19 (iv) criminal history information.

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

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

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

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

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

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

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

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

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

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

16 (2) The Governor may disapprove the decision by written transmittal to
17 the Commission.

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

20 [(j)] (I) The Commission shall issue regulations to implement the provisions of
21 this section.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.