

**Department of Legislative Services**  
 Maryland General Assembly  
 2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1123  
 Judiciary

(Delegates Bartlett and Charkoudian)

**Correctional Services - Medical and Elder Parole**

This bill repeals provisions related to gubernatorial approval of a decision of the Maryland Parole Commission (MPC) to grant medical parole to an incarcerated individual serving a term of life imprisonment. The bill also (1) requires the Department of Public Safety and Correctional Services (DPSCS) to submit to MPC, on an ongoing basis, the name of each incarcerated individual who is at least age 60 and meets other specified requirements; (2) requires MPC, within 60 days of receipt of such a name, to conduct a risk assessment for the incarcerated individual; and (3) on completion of the risk assessment, requires MPC to conduct a parole release hearing and determine whether the incarcerated individual is suitable for parole. In addition, the bill authorizes the Justice Reinvestment Oversight Board (JROB) to recommend that a portion of the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council (JRCC) be distributed to MPC for the purpose of hiring psychologists to perform the risk assessments of candidates for elder parole under the bill.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$407,300 in FY 2026 for MPC to hire psychologists to conduct risk assessments. Future years reflect annualization, inflation, and ongoing costs. To the extent the Governor’s Office of Crime Prevention and Policy (GOCPP) distributes funding to MPC for this purpose, as authorized by the bill, the need for general funds decreases, as discussed below. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	407,300	497,300	519,200	542,100	565,400
Net Effect	(\$407,300)	(\$497,300)	(\$519,200)	(\$542,100)	(\$565,400)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

### **Bill Summary:**

*Gubernatorial Approval:* The bill repeals (1) the requirement for MPC to transmit to the Governor a decision to grant medical parole to such an incarcerated individual; (2) the authority of the Governor to disapprove the decision; and (3) the requirement that the decision becomes effective if the Governor does not disapprove the decision within 180 days, as specified.

*Required Submission of Names:* On an ongoing basis, DPSCS must submit to MPC the names of each incarcerated individual who (1) is at least age 60; (2) has been incarcerated continuously for at least 20 years; (3) has not had major disciplinary infractions within the previous three-year period; and (4) is not serving a sentence of life without the possibility of parole.

### **Current Law:**

#### *Medical and Geriatric Parole*

MPC has the exclusive power to authorize the parole of an incarcerated individual in State correctional facilities. The Patuxent Board of Review (PBR) has the exclusive power to recommend an incarcerated individual of the Patuxent Institution for parole to the Secretary of Public Safety and Correctional Services or the Governor. The parole of any person serving a parole-eligible term of life in either a State correctional facility or the Patuxent Institution requires the approval of the Governor.

A person sentenced to a term of incarceration of six months or more is entitled to a parole hearing after having served one-fourth of the term or consecutive terms. A person serving a sentence for a crime of violence is not entitled to a parole hearing until after having served one-half of the term. Certain persons are not eligible for parole while serving a mandatory minimum sentence. A person sentenced to life imprisonment is not eligible for parole consideration until that person has served 15 years. Under specified circumstances, a person sentenced to life imprisonment for first-degree murder is not eligible for parole consideration until that person has served 25 years. With the exception of a person registered as or eligible to register as a sexual offender, offenders who are age 60 or older who have served at least 15 years of a sentence for a subsequent crime of violence may

apply for and be granted geriatric parole. An incarcerated individual sentenced to life imprisonment without the possibility of parole is not eligible for parole consideration and may not be granted parole at any time during the incarcerated individual's sentence. This does not restrict the authority of the Governor to pardon or remit any part of a sentence.

Chapter 299 of 2008 established medical parole as a form of release from incarceration in a State or local correctional facility for incapacitated incarcerated individuals who, as a result of a medical or mental health condition, disease, or syndrome, pose no danger to public safety. Chapter 515 of 2016 requires that, beginning October 1, 2017, if MPC decides to grant medical parole, the decision be transmitted to the Governor. The Governor is then required to disapprove a recommendation for medical parole within 180 days of the decision by MPC. If the Governor does not disapprove the decision within that timeframe, the decision to grant parole becomes effective.

Chapter 623 of 2011 provided that if MPC or PBR decides to grant parole to an incarcerated individual sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, the decision must be transmitted to the Governor, who may disapprove the decision in writing within 180 days. However, if the Governor does not disapprove the decision within that timeframe, the decision to grant parole becomes effective. For individuals whose parole recommendation was pending approval by the Governor on October 1, 2011, and who had served 25 years without consideration for diminution credits, the Governor had 180 days after that date to disapprove the recommendation or the parole became effective. Chapter 30 of 2021 eliminated the requirement that the parole of a person serving a parole-eligible life sentence in a State correctional facility or the Patuxent Institution, subsequent to a recommendation for that parole by MPC or PBR, be approved by the Governor.

Medicaid may reimburse covered health care costs for parolees who are moved to hospitals or nursing facilities. However, among other requirements, such individuals must be placed in medical institutions that are generally available to the public and not operated primarily or exclusively to care for those involved with the criminal justice system. Medicaid payment is only available when an incarcerated individual is an inpatient in a medical institution not under the control of the correctional system.

#### *Crimes of Violence – § 14-101 of the Criminal Law Article*

Section 14-101(a) of the Criminal Law Article defines a “crime of violence” as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child

abuse in the first degree; (14) sexual abuse of a minor under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

### *Justice Reinvestment Act*

Chapter 42 of 2015 established JRCC within GOCPP. JRCC was required to use a data-driven approach to develop a statewide policy framework for sentencing and corrections policies to further reduce the State's incarcerated population, reduce spending on corrections, and reinvest in strategies to increase public safety and reduce recidivism. The council and its subcommittees met numerous times in 2015 to analyze criminal justice data and review relevant research. Based on its findings, JRCC developed a comprehensive set of recommendations intended to focus prison resources on serious and violent offenders, strengthen community supervision efforts, improve and enhance release and reentry practices, support local corrections systems, and ensure oversight and accountability.

Chapter 515 of 2016, the Justice Reinvestment Act, generally implemented many of the recommendations of JRCC by altering provisions relating to sentencing, corrections, parole, and offender supervision. In addition, the Justice Reinvestment Act, among other things, provided for the reinvestment of savings from changes in incarceration policies. Chapter 515 also established the Performance Incentive Grant Fund, a special fund intended to make use of the savings from the implementation of the Justice Reinvestment Act to provide grants for specified programs and services, including providing for pretrial risk assessments, services to reduce pretrial detention, specialty courts, and ensuring that the rights of crime victims are protected and enhanced.

JROB is required to annually recommend that the savings identified from the implementation of the Act be distributed as follows: (1) up to 50% of the savings must be placed in the Performance Incentive Grant Fund; and (2) generally, the remaining savings must be used for additional services identified as reinvestment priorities in JRCC's final report. JROB may recommend that a portion of the remaining savings be used for the development and implementation of a post-secondary education and work force training program for each correctional institution in the Division of Correction (DOC) that provides incarcerated individuals with the requisite training certifications, and experience to obtain careers in in-demand job sectors. (For fiscal 2025 only, JROB was authorized to recommend that a portion of the remaining savings be distributed to the Office of the Correctional Ombudsman.)

The fiscal 2026 budget as introduced includes \$11.2 million for the Performance Incentive Grant Fund.

**State Expenditures:** General fund expenditures for MPC increase by \$407,336 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring three psychologists to perform the required risk assessments for candidates for elder parole under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. DPSCS advises that DOC currently has 67 individuals that meet the requirements to qualify for a risk assessment under the bill. DPSCS further advises that each risk assessment takes a significant amount of time to conduct.

Positions	3.0
Salaries and Fringe Benefits	\$385,230
Operating Expenses	<u>22,106</u>
<b>Total FY 2026 State Expenditures</b>	<b>\$407,336</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

DPSCS can handle the required submission of names to MPC, on an ongoing basis, with existing resources. MPC can also handle any related parole hearings with existing resources.

Although this analysis assumes that general funds are used to cover MPC’s costs (as estimated above), the bill authorizes JROB to recommend that a portion of the annual savings from the implementation of the recommendations of JRCC be distributed to MPC for the purpose of hiring psychologists to perform the required risk assessments of candidates for elder parole. To the extent MPC secures funding from GOCPP from the Performance Incentive Grant Fund for this purpose, the need for general funds decreases, and less funding is available for other authorized uses of the Performance Incentive Grant Fund.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Governor's Office; Governor's Office of Crime Prevention and Policy; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2025  
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