

## Chapter 431

**(Senate Bill 822)**

AN ACT concerning

**Correctional Services – Maryland Parole Commission and Erroneously Convicted Individuals – Improvements in Transparency and Equity**

FOR the purpose of requiring the annual report of the Maryland Parole Commission to include certain information; altering a certain provision of law to require the Commission to provide certain documents to a certain incarcerated individual and the incarcerated individual's representative at a certain time, rather than allow the incarcerated individual to examine the documents on request; requiring the Commission to document, state on the record, provide to an incarcerated individual, and make available to the public certain information; altering the time periods within which the Commission is required to issue certain reports; providing that the Commission does not have the authority to permanently deny parole; providing that a certain incarcerated individual is entitled to a subsequent parole hearing at a certain time; requiring the Commission to record each hearing at a certain time; requiring each hearing recording to be made available to the public subject to certain disclosure requirements, to be redacted in a certain manner, to be retained for a certain amount of time, and to contain certain materials; prohibiting a county from being a party to a certain proceeding involving an erroneously convicted individual; and generally relating to the Maryland Parole Commission and erroneously convicted individuals.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 7–208, 7–303, 7–304(b), 7–305(7), 7–306, and 7–307

Annotated Code of Maryland

(2025 Replacement Volume)

BY adding to

Article – Correctional Services

Section 7–307.1 and 7–307.2

Annotated Code of Maryland

(2025 Replacement Volume)

BY repealing and reenacting, with amendments,Article – State Finance and ProcurementSection 10–501(b)Annotated Code of Maryland(2021 Replacement Volume and 2025 Supplement)

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

**Article – Correctional Services**

7–208.

**(A)** The Commission shall:

- (1) maintain a record of its actions;
- (2) make an annual report to the Governor of its work; and
- (3) make appropriate recommendations for the improvement of its functions.

**(B) THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL INCLUDE THE FOLLOWING INFORMATION, DISAGGREGATED BY RACE OF THE RELEVANT INCARCERATED INDIVIDUALS:**

**(1) THE NUMBER OF CASES IN WHICH THE COMMISSION GRANTED PAROLE;**

**(2) THE NUMBER OF CASES IN WHICH THE COMMISSION DENIED PAROLE AND THE REASON FOR EACH DENIAL;**

**(3) THE NUMBER OF INCARCERATED INDIVIDUALS WHO WERE GRANTED ADMINISTRATIVE RELEASE;**

**(4) THE NUMBER OF HEARINGS HELD AND THE PURPOSE OF EACH HEARING; ~~AND~~**

**(5) THE NUMBER OF INCARCERATED INDIVIDUALS WHO ARE PAROLE-ELIGIBLE BUT HAVE NOT BEEN GRANTED PAROLE;**

**(6) THE NUMBER OF ADMINISTRATIVE REVIEWS COMPLETED BY THE COMMISSION; AND**

**(7) THE NUMBER OF PAROLE REVOCATION HEARINGS HELD AND THE OUTCOME OF EACH PAROLE REVOCATION HEARING.**

7–303.

(a) Before any hearing on parole release, the Commission shall give the incarcerated individual **AND THE INCARCERATED INDIVIDUAL’S REPRESENTATIVE:**

(1) adequate and timely written notice of:

[(1)] (I) the date, time, and place of the hearing; and

[(2)] (II) the factors that the Commission or hearing examiner will consider in determining whether the incarcerated individual is suitable for parole[.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the notice also shall indicate that, before the hearing, the incarcerated individual or the incarcerated individual's representative may, on request, examine any document]; AND

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, COPIES OF ALL DOCUMENTS that the Commission or hearing examiner will use in determining whether the incarcerated individual is suitable for parole, INCLUDING:

(I) THE CASE PLAN;

(II) THE PRE-PAROLE SUMMARY;

(III) THE FULL REPORT OF ANY RISK ASSESSMENT COMPLETED IN PREPARATION FOR THE HEARING ON PAROLE RELEASE; AND

(IV) THE CASE MANAGER'S RECOMMENDATION.

[(ii)] (B) (1) A document, or a portion of it, is not available for examination[,] if the Commission determines that:

[1.] (I) the document or portion contains a diagnostic opinion AND THE DIAGNOSING CLINICIAN HAS DETERMINED IN WRITING THAT DISCLOSURE OF THE DIAGNOSTIC OPINION IS CONTRAINDICATED;

[2.] (II) the incarcerated individual's knowledge of the document or portion would disrupt seriously a program of rehabilitation;

[3.] (III) the document or portion contains sources of information obtained on a promise of confidentiality; or

[4.] (IV) the document or portion is otherwise privileged.

[(iii)] (2) If the Commission determines that a document or a portion of it is not available for examination, the Commission shall notify the incarcerated individual that:

[1.] (I) the document or portion is not available for examination; and

**[2.] (II)** on request and if appropriate, the Commission will provide the incarcerated individual or the incarcerated individual's representative with the substance of any information contained in the document or portion.

**[(2)] (C)** The Commission shall delete the address and phone number of the victim or the victim's designated representative from a document before the incarcerated individual or the incarcerated individual's representative examines the document.

7-304.

(b) The vote of each commissioner when acting collectively or in a panel, to approve or deny parole, ~~EACH COMMISSIONER'S~~ **THE PANEL'S REASONING AND JUSTIFICATIONS FOR THE COMMISSIONER'S VOTE** ~~PANEL'S DECISION~~, and a vote to close or restrict access to a parole hearing under subsection (d) of this section, shall be made available to the public.

7-305.

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

**(7) ANY VICTIM'S ORIGINAL OR SUBSEQUENTLY FILED VICTIM IMPACT STATEMENT**, an updated victim impact statement, or **ANY** recommendation prepared under § 7-801 of this title;

7-306.

(a) (1) The chairperson of the Commission shall assign hearing examiners, or commissioners acting as hearing examiners, as required to hear cases for parole.

(2) Each proceeding before a hearing examiner shall be conducted in accordance with this section.

(b) The Commission shall keep a record of each hearing conducted by a hearing examiner.

(c) A hearing examiner shall determine if an incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7-305 of this subtitle.

(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.

(2) Within ~~[21]~~ **14** 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, **INCLUDING THE REASONING AND JUSTIFICATIONS FOR THE RECOMMENDATION.**

(3) The Commissioner of Correction or the incarcerated individual may file with the Commission written exceptions to the report of a hearing examiner no later than ~~5~~ **30** days after the report is received.

(e) (1) Subject to paragraph (2) of this subsection, one commissioner assigned by the chairperson of the Commission shall review summarily the recommendation of the hearing examiner.

(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.

(ii) The Commission or panel shall render a written decision on the appeal.

(iii) The decision of the Commission or panel is final.

(3) If an exception is not filed and the Commission does not act on its own initiative within the ~~5-day~~ **30-DAY** appeal period established under subsection (d)(3) of this section, the recommendation of the hearing examiner is approved.

**(4) (I) THE COMMISSION SHALL PROMPTLY GIVE THE INCARCERATED INDIVIDUAL WRITTEN NOTICE OF ITS FINAL DECISION UNDER THIS SECTION.**

**(II) IF THE COMMISSION'S FINAL DECISION UNDER THIS SECTION IS TO DENY PAROLE, THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE DATE OF THE INCARCERATED INDIVIDUAL'S NEXT PAROLE HEARING, IN ACCORDANCE WITH § 7-307.1 OF THIS SUBTITLE.**

7-307.

(a) (1) Except as provided in subsection (c) of this section, the chairperson of the Commission shall assign at least two commissioners to hear cases for parole release as a panel.

(2) Each proceeding before a Commission panel shall be conducted in accordance with this section.

(b) (1) (i) A Commission panel that consists of two commissioners shall determine, by unanimous vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7–305 of this subtitle.

(ii) If the two–commissioner panel is unable to reach a unanimous decision, the chairperson of the Commission shall convene a three–commissioner panel as soon as practicable to rehear the case.

(2) A Commission panel that consists of three commissioners shall determine, by majority vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7–305 of this subtitle.

(c) For an incarcerated individual who has been sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2021, at least six affirmative votes are required to approve the incarcerated individual for parole, based on consideration of the factors specified in § 7–305 of this subtitle.

(d) (1) The Commission panel shall inform the incarcerated individual and the appropriate correctional authority of the Commission’s **FINAL** decision as soon as possible, **BUT NOT LATER THAN 12 MONTHS AFTER THE DATE OF THE PAROLE HEARING, INCLUDING ANY SUBSEQUENT INFORMATION GATHERING OR REVIEW.**

(2) If parole is denied, the Commission shall, **WITHIN 14 DAYS AFTER THE HEARING**, give the incarcerated individual:

(I) a written report of its findings [within 30 days after the hearing], **INCLUDING THE REASONING AND JUSTIFICATIONS FOR THE DECISION; AND**

(II) **WRITTEN NOTICE OF THE DATE OF THE INCARCERATED INDIVIDUAL’S NEXT PAROLE HEARING, IN ACCORDANCE WITH § 7–307.1 OF THIS SUBTITLE.**

#### **7–307.1.**

(A) **THE COMMISSION DOES NOT HAVE THE AUTHORITY TO PERMANENTLY DENY PAROLE.**

(B) **AN INCARCERATED INDIVIDUAL IS ENTITLED TO A SUBSEQUENT PAROLE HEARING:**

(1) **FOR AN INCARCERATED INDIVIDUAL SENTENCED TO A PERIOD OF INCARCERATION OF 10 YEARS OR LESS, NOT LATER THAN 2 YEARS AFTER EACH PAROLE HEARING THAT RESULTS IN A DENIAL OF PAROLE;**

(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, FOR AN INCARCERATED INDIVIDUAL SENTENCED TO A PERIOD OF INCARCERATION EXCEEDING 10 YEARS, NOT LATER THAN 3 YEARS AFTER EACH PAROLE HEARING THAT RESULTS IN A DENIAL OF PAROLE; AND

(3) FOR AN INCARCERATED INDIVIDUAL SENTENCED TO A PERIOD OF INCARCERATION EXCEEDING 20 YEARS FOR A CRIME AGAINST AN INDIVIDUAL, NOT LATER THAN 3 YEARS AFTER THE FIRST PAROLE HEARING THAT RESULTS IN A DENIAL OF PAROLE AND NOT LATER THAN 5 YEARS THEREAFTER.

**7-307.2.**

(A) THE COMMISSION SHALL RECORD EACH HEARING.

(B) EACH HEARING RECORDING SHALL BE:

(1) REDACTED OF ALL PERSONALLY IDENTIFIABLE INFORMATION OF THE VICTIM; ~~AND~~

(2) MADE READILY AVAILABLE AT NO COST TO THE INCARCERATED INDIVIDUAL; AND

(3) SUBJECT TO THE DISCLOSURE PROVISIONS OF § 3-602 OF THIS ARTICLE.

(C) EACH HEARING RECORDING SHALL BE RETAINED ELECTRONICALLY UNTIL 3 YEARS AFTER THE INCARCERATED INDIVIDUAL IS RELEASED FROM INCARCERATION, ALL POSTINCARCERATION SUPERVISION IS COMPLETED, AND ALL APPEALS ARE EXHAUSTED, WHICHEVER HAPPENS LAST.

(D) AT THE CONCLUSION OF EACH HEARING, THE PRESIDING COMMISSIONER SHALL STATE THE FINDINGS, REASONING, AND JUSTIFICATIONS OF THE COMMISSION ON THE RECORD.

(E) ANY STATEMENTS, RECOMMENDATIONS, AND OTHER MATERIALS CONSIDERED BY THE COMMISSION SHALL BE INCORPORATED INTO THE RECORDING OF THE HEARING, UNLESS CONFIDENTIALITY IS NECESSARY TO PRESERVE INSTITUTIONAL SECURITY OR THE SECURITY OF PERSONS WHO MIGHT BE ENDANGERED BY DISCLOSURE.

Article – State Finance and Procurement

10-501.

(b) (1) An administrative law judge shall issue an order that an individual is eligible for compensation and benefits from the State under subsection (a) of this section if:

(i) the individual has received from the Governor a full pardon stating that the individual's conviction has been shown conclusively to be in error; or

(ii) subject to paragraph (2) of this subsection, the administrative law judge finds that the individual has proven by clear and convincing evidence that:

1. the individual was convicted, sentenced, and subsequently confined for a felony or conspiracy to commit a felony;

2. the judgment of conviction for the felony or conspiracy to commit a felony was reversed or vacated and:

A. the order reversing or vacating the judgment of conviction did not allow for retrial;

B. the charges against the individual were dismissed; or

C. on retrial, the individual was found not guilty;

3. the individual did not commit the felony or conspiracy to commit a felony for which they were convicted, sentenced, and subsequently confined and was not an accessory or accomplice to the felony or conspiracy to commit a felony; and

4. subject to paragraph (2)(ii) of this subsection, the individual did not commit or suborn perjury, fabricate evidence, or by the individual's own conduct cause or bring about the conviction.

(2) (i) In determining the weight and admissibility of evidence presented by the parties, the administrative law judge may, in the interest of justice, give due consideration to the passage of time, death or unavailability of witnesses, the destruction of evidence, or any other factor.

(ii) For the purposes of paragraph (1)(ii)4 of this subsection, suborning perjury, fabricating evidence, or causing or bringing about a conviction does not include:

1. a confession or admission later determined to be false; or

2. a guilty plea.

(3) A request for an order of eligibility under this section shall be:

(i) filed with the Office of Administrative Hearings; and

(ii) captioned “In the Matter of the Wrongful Conviction of (Claimant)” or “(Claimant) v. Board of Public Works”.

(4) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE following shall be parties to a proceeding under this subsection:**

**[(i)] 1. the State’s Attorney of the county where the crime was committed, or the State’s Attorney’s designee; and**

**[(ii)] 2. the State, represented by the Attorney General, or the Attorney General’s designee.**

**(II) 1. A COUNTY MAY NOT BE A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.**

**2. A STATE’S ATTORNEY MAY NOT DESIGNATE A COUNTY AS A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any proceeding before an administrative law judge brought under § 10–501 of the State Finance and Procurement Article before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

**Approved by the Governor, May 12, 2026.**