

SB0822/753321/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 822
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Commission**” insert “**and Erroneously Convicted Individuals**”; in line 6, after “individual” insert “**and the incarcerated individual’s representative**”; in line 15, after “public” insert “**subject to certain disclosure requirements**”; in line 16, after “materials;” insert “**prohibiting a county from being a party to a certain proceeding involving an erroneously convicted individual;**”; in line 17, after “Commission” insert “**and erroneously convicted individuals**”; and after line 27, insert:

“BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 10-501(b)

Annotated Code of Maryland

(2021 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 20, strike “AND”; in line 22, after “PAROLE” insert “;

(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”;

and in line 25, after “individual” insert “**AND THE INCARCERATED INDIVIDUAL’S REPRESENTATIVE**”.

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On page 3, in line 8, after “parole” insert “, 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”;

in line 12, after “opinion” insert “AND THE DIAGNOSING CLINICIAN HAS DETERMINED IN WRITING THAT DISCLOSURE OF THE DIAGNOSTIC OPINION IS CONTRAINDICATED”; and in line 32, strike “EACH COMMISSIONER’S” and substitute “THE PANEL’S”.

On page 4, in line 1, strike “COMMISSIONER’S VOTE” and substitute “PANEL’S DECISION”; and in line 30, strike “5” and substitute “30”.

On page 5, in line 8, strike “5-day” and substitute “30-DAY”.

On page 6, in line 4, after “Commission’s” insert “FINAL”; and in the same line, after “possible” insert “, BUT NOT LATER THAN 12 MONTHS AFTER THE DATE OF THE PAROLE HEARING, INCLUDING ANY SUBSEQUENT INFORMATION GATHERING OR REVIEW”.

On page 7, in line 2, strike “AND”; in line 3, after “AVAILABLE” insert “AT NO COST”; and in the same line, after “INDIVIDUAL” insert “; AND

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

AMENDMENT NO. 3

On page 7, after line 15, insert:

“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

(Over)

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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.”;

and in line 16, strike “2.” and substitute “3.”.