

HOUSE BILL 467

E5

(6lr0767)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Embry, Boyce, Fair, Kaufman, Moreno, Pasteur, Phillips, Ruth, Simmons, Stinnett, and ~~Wolek~~ Wolek, Conaway, and Woods**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring the annual report of the Maryland Parole Commission to
5 include certain information; altering a certain provision of law to require the
6 Commission to provide certain documents to a certain incarcerated individual and
7 the incarcerated individual's representative at a certain time, rather than allow the
8 incarcerated individual to examine the documents on request; requiring the
9 Commission to document, state on the record, provide to an incarcerated individual,
10 and make available to the public certain information; altering the time periods
11 within which the Commission is required to issue certain reports; providing that the
12 Commission does not have the authority to permanently deny parole; providing that
13 a certain incarcerated individual is entitled to a subsequent parole hearing at a
14 certain time; requiring the Commission to record each hearing at a certain time;

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 requiring each hearing recording to be made available to the public subject to certain
 2 disclosure requirements, to be redacted in a certain manner, to be retained for a
 3 certain amount of time, and to contain certain materials; prohibiting a county from
 4 being a party to a certain proceeding involving an erroneously convicted individual;
 5 and generally relating to the Maryland Parole Commission and erroneously
 6 convicted individuals.

7 BY repealing and reenacting, with amendments,
 8 Article – Correctional Services
 9 Section 7–208, 7–303, 7–304(b), 7–305(7), 7–306, and 7–307
 10 Annotated Code of Maryland
 11 (2025 Replacement Volume)

12 BY adding to
 13 Article – Correctional Services
 14 Section 7–307.1 and 7–307.2
 15 Annotated Code of Maryland
 16 (2025 Replacement Volume)

17 BY repealing and reenacting, with amendments,
 18 Article – State Finance and Procurement
 19 Section 10–501(b)
 20 Annotated Code of Maryland
 21 (2021 Replacement Volume and 2025 Supplement)

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

24 **Article – Correctional Services**

25 7–208.

26 **(A)** The Commission shall:

27 (1) maintain a record of its actions;

28 (2) make an annual report to the Governor of its work; and

29 (3) make appropriate recommendations for the improvement of its
 30 functions.

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

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

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

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

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

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

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

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

15 7-303.

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

18 (1) adequate and timely written notice of:

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

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

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

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

28 (I) THE CASE PLAN;

29 (II) THE PRE-PAROLE SUMMARY;

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

3 (IV) THE CASE MANAGER'S RECOMMENDATION.

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

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

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

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

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

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

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

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

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

26 7-304.

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

1 7-305.

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

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

8 7-306.

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

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

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

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

18 (d) (1) At the conclusion of the hearing, the hearing examiner shall inform the
19 incarcerated individual of the hearing examiner's recommendation for parole or denial of
20 parole.

21 (2) Within ~~[21]~~ **14** days after the hearing, the hearing examiner shall give
22 to the Commission, the Commissioner of Correction, and the incarcerated individual a
23 written report of the hearing examiner's findings and recommendation for parole or denial
24 of parole, **INCLUDING THE REASONING AND JUSTIFICATIONS FOR THE**
25 **RECOMMENDATION.**

26 (3) The Commissioner of Correction or the incarcerated individual may file
27 with the Commission written exceptions to the report of a hearing examiner no later than
28 ~~5~~ **30** days after the report is received.

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

32 (2) (i) The Commission, on its own initiative or on the filing of an
33 exception, may schedule a hearing on the record by the entire Commission or by a panel of
34 at least two commissioners assigned by the chairperson of the Commission.

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

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

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

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

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

14 7-307.

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

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

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

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

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

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

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

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

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

9 (II) **WRITTEN NOTICE OF THE DATE OF THE INCARCERATED**
10 **INDIVIDUAL'S NEXT PAROLE HEARING, IN ACCORDANCE WITH § 7-307.1 OF THIS**
11 **SUBTITLE.**

12 **7-307.1.**

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

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

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

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

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

28 **7-307.2.**

29 (A) **THE COMMISSION SHALL RECORD EACH HEARING.**

30 (B) **EACH HEARING RECORDING SHALL BE:**

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

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

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

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

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

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

19 Article – State Finance and Procurement

20 10-501.

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

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

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

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

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

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

1 B. the charges against the individual were dismissed; or

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

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

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

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

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

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

17 2. a guilty plea.

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

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

20 (ii) captioned "In the Matter of the Wrongful Conviction of
 21 (Claimant)" or "(Claimant) v. Board of Public Works".

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

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

26 [(ii)] 2. the State, represented by the Attorney General, or the
 27 Attorney General's designee.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.