

SENATE BILL 822

E5
HB 1147/25 – JUD

6lr0726
CF HB 467

By: **Senator Smith**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2026

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

21 BY repealing and reenacting, with amendments,
22 Article – Correctional Services
23 Section 7–208, 7–303, 7–304(b), 7–305(7), 7–306, and 7–307
24 Annotated Code of Maryland

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 (2025 Replacement Volume)

2 BY adding to
3 Article – Correctional Services
4 Section 7–307.1 and 7–307.2
5 Annotated Code of Maryland
6 (2025 Replacement Volume)

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 10–501(b)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2025 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 7–208.

16 (A) The Commission shall:

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

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

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

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

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

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

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

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

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

7 7-303.

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

10 **(1)** adequate and timely written notice of:

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

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

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

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

20 **(I) THE CASE PLAN;**

21 **(II) THE PRE-PAROLE SUMMARY;**

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

24 **(IV) THE CASE MANAGER'S RECOMMENDATION.**

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

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

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

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

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

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

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

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

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

18 7-304.

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

24 7-305.

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

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

31 7-306.

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

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

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

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

8 (d) (1) At the conclusion of the hearing, the hearing examiner shall inform the
9 incarcerated individual of the hearing examiner's recommendation for parole or denial of
10 parole.

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

16 (3) The Commissioner of Correction or the incarcerated individual may file
17 with the Commission written exceptions to the report of a hearing examiner no later than
18 ~~5~~ **30** days after the report is received.

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

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

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

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

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

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

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

5 7–307.

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

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

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

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

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

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

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

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

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

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

1 **7-307.1.**

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

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

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

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

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

17 **7-307.2.**

18 (A) THE COMMISSION SHALL RECORD EACH HEARING.

19 (B) EACH HEARING RECORDING SHALL BE:

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

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

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

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

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

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

9 Article – State Finance and Procurement

10 10-501.

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

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

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

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

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

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

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

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

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

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

31 (2) (i) In determining the weight and admissibility of evidence
32 presented by the parties, the administrative law judge may, in the interest of justice, give

1 due consideration to the passage of time, death or unavailability of witnesses, the
2 destruction of evidence, or any other factor.

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

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

7 2. a guilty plea.

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

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

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

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

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

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

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

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

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

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