



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

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**BILL: HOUSE BILL 600**

**POSITION: OPPOSITION**

**EXPLANATION:** This bill requires the Maryland Parole Commission (Commission) to consider the age of an incarcerated individual when determining whether to grant parole. The bill also alters how the Commission evaluates a request for medical parole to include a meeting between the inmate and the Commission. Finally the bill would require the Commission to develop procedures to assess parole requests for eligible individuals.

### COMMENTS:

- The Department's Division of Correction (DOC) operates 13 State correctional facilities that house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex which houses pretrial detainees and inmates.
- The Department oversees the Maryland Parole Commission (Commission). The Commission hears cases for parole releases and revocations across the State and are authorized to parole incarcerated individuals sentenced to a term of 6-months or more from any correctional institution in Maryland, except the Patuxent Institution.
  - The Commission is currently staffed by 10 Parole Commissioners and nine Parole Hearing Officers.
  - In calendar year 2021, 5,444 parole hearings and 1,177 parole revocation hearings were conducted.
- HB 600 allows the Commission to take into account the totality of the circumstances, including the age of the incarcerated individual, when determining whether the individual will recidivate. Age is ambiguous when determining whether a person will recidivate.
- HB 600 eliminates the standard that the Commission consider whether an individual is physically incapable of presenting a danger to society and instead requires the Commission to consider if the incarcerated individual's condition would require extended medical management that would be better provided by specialized community services.

- Such a change asks the Commission to discount an inmate's risk to public safety and primarily consider the quality of care provided to an inmate by outside providers in comparison to care provided within the institutions. This standard can be subjective from a qualitative standpoint. Multiple medical services are offered to the inmate population of the Maryland Division of Correction and local correctional facilities.
- In addition, HB 600 refers to chronic conditions which often require extended medical management. However, many chronic conditions that require extended medical care do not preclude an individual from recidivating. Examples of chronic conditions include obesity, high blood pressure, diabetes, and chronic pain.
- HB 600 would prioritize chronic care considerations over public safety AND would limit the ability of the Commission to require the individual to return to custody.
- The Commission currently, under Correctional Services Article §7-309, already considers recommendations by the medical professional who is under contract with the Department and who is treating the individual. As requested, a medical evaluation is able to be conducted at no cost by an independent medical professional. HB 600 would transfer priority consideration to the independent evaluation. In most cases, this evaluation would consist of very limited contact and no history of medical services being provided by the evaluator.
- In addition to the changes in medical considerations that eliminate the Commission's ability to consider whether an individual is physically incapable of presenting a danger to society, this bill allows an inmate or other eligible individual to request a meeting with the Commission within 30 days of requesting medical parole.
- In calendar year 2021, the Commission received over 300 requests for medical parole. This number would increase exponentially with this legislation, as the legislation would allow for multiple requests to meet with the Commission to be made throughout the year by or on behalf of the same individual. There is no standard as to what constitutes an adequate request.
- HB 600 does not adequately take into account notification of a victim or a victim's representative that must be done at least 90 days prior to any parole release hearing in accordance with §§ 7-801 and 7-304 of the Correctional Services Article. Many of the incarcerated individuals who are the subject of this bill have sentences with victim notification obligations.

- HB 600 would require the Commission to develop a separate parole hearing process for incarcerated individuals who are at least 60 years of age. Allowing a request to be made more frequently and developing a separate process based solely on the age of an individual would significantly increase the workload of the Commission's current staff.
- HB 600 would obligate the Commission to develop a dynamic risk assessment instrument to include a strength based needs assessment. The Commission is not able to project the costs or the time for such an instrument to be developed, vetted, and implemented. In addition, the Commission is not aware of an existing instrument.
- Once an instrument is developed and implemented, it would be required to be administered every 6-months. This would place an additional burden on the Commission that would require hiring additional personnel.
- HB 600 also requires the Parole Commission to consider the results of any mental health evaluation determined to be relevant. This bill would not exclude inmates serving life sentences. It is the practice of the Parole Commission to have a psychological risk assessment completed by a clinical psychologist before considering parole for an inmate serving a life sentence
- To implement the requirements of HB 600 the Commission would need to hire additional positions at an approximate cost of \$1.35 million in FY23 including:
  - Parole Commissioners;
  - Hearing Officers;
  - Social Workers;
  - Clinical Psychologists;
  - Nurse Practitioner; and
  - Clerical positions.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 600.