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THE MARYLAND HOUSE OF DELEGATES
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FAVORABLE – HB47-CORRECTIONAL SERVICES – MEDICAL PAROLE – LIFE IMPRISONMENT

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TO: Chair Clippinger, Vice Chair Moon and members of the Judiciary Committee

In 2022 this Committee and the House of Delegates passed proposed legislation to remove the Governor from the MEDICAL parole decision making process. As you may recall, in 2021 we repealed generally the Governor's involvement in the parole process, but inadvertently left the Governor in the medical parole process. HB47 will correct that omission.

An inmate who is sentenced to incarceration with the possibility of parole, may be released under medical parole because the sentence allows for the possibility of parole. This bill does not grant more privileges or puts an inmate in a more advantageous position than anyone else who has the possibility of parole.

In 2008, we established medical parole as a form of release from incarceration in a correctional facility for incapacitated inmates who have certain medical conditions and do not pose a danger to public safety. But where do they go upon release? Home? Maybe, if they can show they have a home and support. What if they have no home or family or support outside? They are not released. What if they are incapacitated but likely to reoffend? They are not released.

What if they are still in need of serious medical attention after being released on medical parole? Medicaid may reimburse covered health care costs for parolees who are moved to hospitals or nursing facilities. Medical parole is carefully reviewed, and conditions must be stringently met.

This bill is no different than HB3 we passed in 2021 to repeal the provisions that authorize the Governor to disapprove certain parole decisions. We passed that bill because the Parole Board has the ability and capacity to determine release, and we should pass HB47 for the same reason. Current law allows someone who is sentenced to incarceration with the possibility of parole may be released based solely up to the parole board. In contrast, an incapacitated or chronically debilitated person's release may be overturned by the Governor. Such treatment is illogical and there is absolutely no basis for it, except for a mere oversight. Now is the time to fix the oversight. The Governor was removed from the parole process, let's finish what we started and correct the incorrect by removing the Governor out of the medical parole process as well.