



Department of Public Safety and Correctional Services
Office of the Secretary

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BILL: HOUSE BILL 190

POSITION: FAVORABLE WITH AMENDMENTS

EXPLANATION: HB 190 requires the Maryland Parole Commission to consider the age of an incarcerated individual when determining whether to grant parole and alters how the Commission evaluates a request for medical parole. Under certain circumstances, evaluations for medical parole would include providing for a meeting between the incarcerated individual and the Commission and would require the Commission to develop procedures for assessing medical and geriatric parole requests.

COMMENTS:

- The Department of Public Safety and Correctional Services (Department) operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).
- In accordance with Correctional Services Article (CSA) §7–201, the Maryland Parole Commission (Commission) was established in the Department.
- HB 190 expands the ability of parole commissioners to take into account the totality of a petitioner's circumstances when considering a parole request, including an individual's age and to consider whether the incarcerated individual will recidivate.
- The bill adds the definitions of "chronically debilitated or incapacitated" and "terminal illness" to CSA §7–309 while also describing the type of care an individual who is chronically debilitated or incapacitated receives.
- Describing the type of care for an incarcerated individual, who is chronically debilitated or incapacitated to include being physically incapable of presenting a danger to society by a physical or mental health condition, disease, or syndrome, provides the Commission with specific criteria from a medical professional that assists the Commission in making a determination for parole.

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- The bill adds language requiring the Commission to consider the age of the incarcerated individual and the impact of age on reducing the risk of recidivation.
- The bill also requires reentry resources be made available to incarcerated individuals who are granted parole as the result of the proposed changes as well as adding a reporting requirement. The Department begins reentry planning at intake and is familiar with reporting requirements.
- HB 190 adds language that would allow the Commission to conduct parole hearings for incarcerated individuals, who are not otherwise prohibited from a parole hearing, and who are 60 years or older and who have served at least 15 years of their sentence to be eligible for a parole hearing beginning at age 60 and every two years after. This language was previously under the crime of violence statute in Criminal Law Article § 14-101, however, only one individual has been eligible for geriatric parole with this section.
- The Department requests the Committee add amendments to HB 190 to align with HB 1123:
 - o Requiring DPSCS to on a regular basis submit a roster of individuals to the Parole Commission that: are at least 60 years of age; was incarcerated for at least 20 years; has had no disciplinary infractions for the last three years; and are not serving life without parole (LWOP).
 - o Requiring the Parole Commission within 60 days of receiving the list to conduct a risk assessment of the individuals.
 - o Requiring the Parole Commission to hire psychologists to perform the risk assessments of individuals.
- Finally, HB 190 removes the Governor from the medical parole decision process which would be consistent with the Senate Bill 202/Ch. 30 that passed in 2021 and removed the Governor from the regular parole process.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests a FAVORABLE with AMENDMENTS Committee report on House Bill 190.