



Automatic Hearings

Comparing HB1147 to National Precedent

Overview

[HB1147](#)'s primary change to Maryland law is the automatic scheduling of parole hearings every two years. Maryland is one of four states (DE, ID, UT) that requires parole-eligible people to request a hearing.

The Parole Commission denied parole *hearings* to over a thousand people each of the last two years ([2023 and 2024](#)), effectively denying parole eligibility to thousands of people who both the legislature and courts have determined to be eligible.

Comparison to Other States

Thirty-eight US states have automatic scheduling for parole hearings. Of the thirty-three states that still have parole (of which Maryland is one), only eight do not have a specified cadence for review (AK, ID, MD, NH, ND, RI, UT, WY). **Seven states conduct parole hearings on an annual basis for all incarcerated people.** We've compiled a list of similar timelines for comparison to Maryland's proposed two-year cadence.

Annual Parole Hearings for All Parole-Eligible

- Hawaii ([Haw. Rev. Stat. § 706-670](#))
- Iowa ([Iowa Admin. Code r. 205-8.4](#))
- Mississippi ([Miss. Code § 47-7-18](#))
- Nebraska ([Neb. Rev. Stat. § 83-1.111](#))
- Vermont* ([Vt. Stat. tit. 28 § 502](#))
- Wisconsin ([Wis. Admin. Code PAC § 1.06](#))
- Wyoming** ([Wyoming Board of Parole Policy and Procedure Manual](#), Chapter 13)

*Vermont provides annual reviews, but the incarcerated person must request an interview with a board member

**Wyoming's statute does not specify cadence. In absence of state law, their current Parole Board Policy & Procedure Manual specifies annual reviews.

Annual Parole Hearings for Some Parole-Eligible

- Colorado ([Colo. Rev. Stat. § 17-2-201](#))
- Illinois ([730 ILCS 5/3-3-5](#))
- Kansas ([Kan. Stat. § 22-3717](#))
- Massachusetts ([120 Mass. Reg. 301.01](#))
- Michigan ([Mich. Comp. Laws § 791.233e](#))
- Missouri ([Mo. Code Regs. tit. 14 § 80-2.010](#))
- Montana ([Mont. Code § 46-23-201](#))
- Oklahoma ([Okla. Admin. Code § 515:25-11-1](#))
- Pennsylvania ([61 Pa. C.S. § 6139](#))
- South Carolina ([S.C. Code § 24-21-645](#))
- Texas ([Tex. Gov't Code § 508.141](#))
- Virginia ([Va. Code § 53.1-154](#))
- West Virginia ([W. Va. Code § 62-12-13](#))



Victim Impact

None of the proposals change the robust range of options available to victims in the parole process. All parties favor a fair, just, and transparent process.

Victims may:

1. Submit a notification form if they wish to be notified of parole hearings and release decisions (*Md. Code, Corr. Servs. § 7-801, Md. Code, Crim. Proc. § 11-104*)
2. Submit a victim impact statement, their recommendation on advisability of parole release, and request a meeting with a commissioner (*Md. Code, Corr. Servs. § 7-801*)
3. Request an open hearing at which they may attend and speak (*Md. Code, Corr. Servs. § 7-304, Md. Code, Corr. Servs. § 7-801*)

Open Hearings

By default, hearings in Maryland are closed to the public (including victims). The state does not force victims to attend and speak, an open hearing only occurs upon their request. Approximately 1% of victims have requested an open hearing in the last two years.

The Parole Commission reports annually on how many open parole hearings are conducted:

- [FY2023 Report](#): 5,803 parole hearings, 62 open parole hearings
- [FY2024 Report](#): 5,931 parole hearings, 56 open parole hearings

Potential Alternative Language

HB1147 currently proposes a parole hearing cadence of two years for all parole-eligible incarcerated individuals. Victims / survivors advocates have signaled that two years is too frequent for crimes of violence. Twenty-three states¹ schedule hearings based on a tiered approach – the time between hearings is determined by the incarcerating offense. Maryland could consider a similar approach.

7-307.1.

(a) The commission does not have the authority to permanently deny parole.

(b) An incarcerated individual is entitled to subsequent parole hearings following a denial based on their incarcerating offense:

(i) Not later than three years after a parole hearing denial for anyone convicted of a crime of violence, as defined in [Md. Code, Crim. Law § 14-101](#);

(ii) Not later than one year after a parole hearing denial for all other convictions.

(c) An incarcerated individual may waive their right to a parole hearing. Waiving a parole hearing shall not waive all future parole hearings. If an incarcerated person waives their right to a parole hearing, their next hearing is scheduled according to part b.

¹ AL, CA, CO, FL, GA, IL, KS, KY, MA, MI, MO, MT, NV, NJ, NM, OK, OR, PA, SC, TN, TX, VA, WV