

# **Automatic Hearings Memo.pdf**

Uploaded by: DeRay Mckesson

Position: FAV



# 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 states<sup>1</sup> 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.

---

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

# **hb1147-summary.pdf**

Uploaded by: DeRay Mckesson

Position: FAV



# A Deeper Dive Into Maryland's HB 1147

## Overview of House Bill 1147 – Improvements in Transparency and Equity

### Overview

[House Bill 1147](#) makes six changes to the parole process in Maryland, including making Parole Commission decision making, hearing outcomes, and reporting more transparent as well as ensuring parole-eligible people receive parole hearings.

#### A. Required Contents of the Annual Report

The Maryland Parole Commission is required to “make an annual report to the Governor of its work” (Md. Code, Corr. Servs. § 7-208), but there are no specifications in the law as to the report’s contents.

A majority of US states require annual reporting from their respective parole commissions (parole boards).

Maryland would become the fifth state (AR, CO, NV, VA) to specify that the report must include the total number of grants, denials, and reasoning for the Commission’s decisions.

#### B. Provision of Records

Today in Maryland, an incarcerated person is notified of their ability to review the records that will be considered to determine release, but they must formally request them.

HB1147 would require the documents to be provided automatically alongside the notice of their hearing, removing the administrative delay.

Six states (AK, IA, NJ, OR, UT, WA) automatically provide records to incarcerated people ahead of their hearing. Vermont provides *some* records automatically and requires others to be requested<sup>1</sup>.

---

<sup>1</sup> Vermont law delegates to the Commissioner the authority to decide which records are automatically provided and which must be requested ([Vt. Stat. tit. 28 §107](#)).



## **C. Commissioners' Decisions Require Justification, Are Public Record**

The Parole Commission is required to provide incarcerated individuals with a “written report of its findings” following a parole denial. However, the law does not mandate that the report includes the reasoning behind the decision, leaving individuals without clarity about why their parole was denied.

HB1147 would require the Commission to include detailed reasoning for all parole decisions. These justifications would also be public record.

Twenty-seven states require justifications for decisions to be given to the incarcerated person – twelve of these states also make these justifications public<sup>2</sup>.

## **D. Commission Decisions are Promptly Communicated**

Incarcerated individuals often wait between 21 to 30 days to learn the outcome of their hearings.

HB1147 would require decisions to be communicated within seven days of the parole hearing. Oklahoma, one of the most conservative parole states, also provides decisions within seven days.

## **E. Subsequent Hearings Are Automatically Scheduled**

In most states, state law sets a timeline for subsequent parole hearings following a denial – not in Maryland. Instead, individuals must request a new hearing annually (or every two years for longer sentences), and these requests can be arbitrarily denied.

The Parole Commission denied parole *hearings* to over a thousand people each of the last two years (FY23 and FY24), effectively denying parole eligibility to thousands of people who both the legislature and courts have determined to be eligible.

---

<sup>2</sup> Justifications provided to the incarcerated person: AL, AK, AR, CA, HI, IL, IN, KS, KY, ME, MA, MI, MS, MT, NE, NV, NJ, NM, OH, OR, PA, TN, TX, UT, VA, WA, WV  
Justifications are also public record: AL, AR, CA, KY, MA, MT, NV, PA, TN, UT, WA, VA



Only four states (DE, ID, MD, UT) require parole-eligible people to request a parole hearing – all other states automatically schedule parole hearings.

HB1147 would require parole hearings to occur every two years for individuals who are parole-eligible.

## **F. All Hearings Are Recorded, Transcribed, and Public Record**

Maryland law does not mandate specific recording or retention requirements. In its absence, state administrative regulations specify that parole hearing recordings be destroyed within 30 days if no appeal is filed, removing any evidence to reference at future hearings ([Md. Code Regs. 12.08.01.18](#)).

HB1147 would require hearing recordings to be retained for three years post-incarceration, supervision, and the exhaustion of all appeals. These recordings would also be made public record (with victim information redacted).

While many states make recordings of hearings, the timelines to make them public vary widely. For example, Arizona requires recordings to be publicly available within 3 days of the hearing, while California has a similar 30 day administrative period after which transcripts can be released.

## **Late email info**

Uploaded by: DeRay Mckesson

Position: FAV



## JUD Receptionist

---

**From:** Jacob Wourms <jacob@campaignzero.org>  
**Sent:** Tuesday, March 11, 2025 8:00 AM  
**Cc:** DeRay Mckesson  
**Subject:** Parole | HB1147 & HB1156

Good morning, Members of the Judiciary Committee,

I help lead Campaign Zero's work on parole -- thank you for allowing DeRay Mckesson, our Executive Director, to testify last week regarding house bills 1147 and 1156. We've done a lot of work comparing the two bills to nationwide parole precedent / standards. Our review, which includes a [two-minute video](#) alongside more in-depth analysis of both bills, is available at our website: [MDParole.com](https://MDParole.com).

As DeRay stated in his testimony, the reason an established cadence / automatic schedule for parole hearings is so important (HB1147) is that the Maryland Parole Commission currently refuses over a thousand applications for parole hearings every year (these aren't denials of parole, they're denials of a *hearing*). The legislature has made the offenses parole-eligible, judges have given these people a parole-eligible sentence, and then the Commission overrules both and refuses to consider them. Only three other states (DE, ID, UT) require a person to request a parole hearing.

During the opponents' testimony, Mr. Cluster said multiple times that he didn't know where DeRay got these refusal numbers from and insisted it doesn't happen. Please reference this [public records request](#), made to DPSCS in January, that includes the number of parole refusals for 2023 (1,126 hearing refusals) and 2024 (1,159 hearing refusals). The relevant file name is "PIA 56193 Results."

If you have any other questions about DeRay's testimony, our analysis, or how these two bills compare nationally, let's schedule a time to talk more. We're eager to help.

Gratefully,  
Jacob

Jacob Wourms (he/him/his)  
Research & Campaign Manager, Programs

[campaignzero.org](https://campaignzero.org)



## **Late email info**

Uploaded by: DeRay Mckesson

Position: FAV

## JUD Receptionist

---

**From:** Jacob Wourms <jacob@campaignzero.org>  
**Sent:** Tuesday, March 11, 2025 8:00 AM  
**Cc:** DeRay Mckesson  
**Subject:** Parole | HB1147 & HB1156

Good morning, Members of the Judiciary Committee,

I help lead Campaign Zero's work on parole -- thank you for allowing DeRay Mckesson, our Executive Director, to testify last week regarding house bills 1147 and 1156. We've done a lot of work comparing the two bills to nationwide parole precedent / standards. Our review, which includes a [two-minute video](#) alongside more in-depth analysis of both bills, is available at our website: [MDParole.com](https://MDParole.com).

As DeRay stated in his testimony, the reason an established cadence / automatic schedule for parole hearings is so important (HB1147) is that the Maryland Parole Commission currently refuses over a thousand applications for parole hearings every year (these aren't denials of parole, they're denials of a *hearing*). The legislature has made the offenses parole-eligible, judges have given these people a parole-eligible sentence, and then the Commission overrules both and refuses to consider them. Only three other states (DE, ID, UT) require a person to request a parole hearing.

During the opponents' testimony, Mr. Cluster said multiple times that he didn't know where DeRay got these refusal numbers from and insisted it doesn't happen. Please reference this [public records request](#), made to DPSCS in January, that includes the number of parole refusals for 2023 (1,126 hearing refusals) and 2024 (1,159 hearing refusals). The relevant file name is "PIA 56193 Results."

If you have any other questions about DeRay's testimony, our analysis, or how these two bills compare nationally, let's schedule a time to talk more. We're eager to help.

Gratefully,  
Jacob

Jacob Wourms (he/him/his)  
Research & Campaign Manager, Programs

[campaignzero.org](https://campaignzero.org)



**maryland-parole-faq-2.pdf**

Uploaded by: DeRay Mckesson

Position: FAV

# Understanding HB1147 & HB1156

[Last Updated: February 2025]

## Improvements in Transparency and Equity

Campaign Zero has conducted a rigorous 50 state review of parole statutes, state codes, and administrative regulations across a variety of policy areas. Based on our review of nationwide standards, these two bills are in-line with national practices.

### FREQUENTLY ASKED QUESTIONS ABOUT PAROLE:

#### 1 Is parole a reduction in sentence?

No, parole does not reduce any person's sentence. If released on parole, people remain in legal custody and still serve their "full, undiminished term" on community supervision (Md. Code, Corr. Servs. § 7-308).

#### 2 What's the difference between a commissioner and a hearing examiner?

State law establishes ten parole commissioners, appointed by the Secretary with the approval of the Governor and the "advice and consent" of the Senate (Md. Code, Corr. Servs. § 7-202). Additionally, the Secretary may appoint as many hearing examiners as are required to conduct parole hearings (Md. Code, Corr. Servs. § 7-204). These staff members have no required approvals.

**Although they are not appointed parole commissioners, hearing examiners conduct parole hearings alone and make a recommended decision, submitted to the Commission.** If the Commission does not file an exception to their decision within five days, the decision of the hearing examiner is final.

#### 3 Which people have their hearings with a commissioner vs. a hearing examiner?

Generally, the appointed commissioners are only required by law to conduct parole hearings for those with a life sentence or who have been convicted of homicide (Md. Code, Corr. Servs. § 7-205). All other parole hearings are conducted by a hearing examiner (Md. Code, Corr. Servs. § 7-204).

**Of the ~15,000 incarcerated people in Maryland currently eligible for parole, ~9,000 will have a hearing with a hearing examiner.**

#### 4 What's the difference between a parole hearing and a parole decision?

A parole hearing is an opportunity for the incarcerated person to be reviewed by the Commission through an interview with a hearing examiner or a panel of parole commissioners. A parole decision occurs after a hearing and determines whether the person may be released on parole or will remain in prison.

[FIGURE 1] PAROLE COMMISSION VS. HEARING EXAMINER

The majority of the 15,000 people currently eligible for parole in Maryland will never meet with the parole commission.



### Parole Commission

6,000 currently eligible people will have their hearing decided by a Commissioner

- 10 Appointees—determined by DPSCS Secretary with input/approval from the Senate & governor
- Conduct hearings for murder/life sentences
- Hear cases as a panel of two (may hear other case types alone, acting as a hearing examiner)

VS



### Hearing Examiner

The remaining 9,000 currently eligible people will have their hearing decided by a single Hearing Examiner

- Unlimited hires—chosen directly by DPSCS Secretary, without input from the governor or the Senate
- Conduct all hearings other than murder/life sentences
- Conduct parole hearings alone



Per Md. Code, Corr. Servs. § 7-205 and current DPSCS incarcerated population data, the majority of eligible people will never meet with a parole commissioner.



**HB1156 would increase the size of the commission and require actual parole commissioners to conduct all parole hearings.**

## FREQUENTLY ASKED QUESTIONS ABOUT PAROLE (CONT.):

### 5 Is it true the Parole Commission can **permanently** refuse an eligible person parole?

Following a parole denial, all parole-eligible people must apply for subsequent hearings. The Commission, absent state law establishing this authority, has full discretion to refuse these hearings. The Parole Commission refuses over a thousand requests for a hearing each year (1,126 in FY23 and 1,154 in FY24).

**The Parole Commission is effectively denying parole eligibility to thousands of people who both the legislature and courts have determined to be eligible.**

While a “permanent denial” is not a current policy, the Commission can refuse a person a parole hearing each time they apply, effectively permanently denying them parole in practice.

### 6 Is Maryland an outlier in requiring people to request a parole hearing?

The vast majority of US states automatically schedule subsequent parole hearings following a denial. Maryland is one of four states that requires a person to apply for a parole hearing (along with Delaware, Idaho, and Utah). **Requiring a parole-eligible person to request a hearing gives the Parole Commission undue power over their sentence, allowing them to overrule other branches of government.**

In a balanced system, the legislature determines the appropriate punishment and parole eligibility, the courts determine guilt or innocence, and the Parole Commission determines the person’s fitness to return home after a specified portion of their sentence. **Maryland’s current set-up allows the Commission to deny a hearing, effectively stripping parole eligibility from incarcerated people.**

### 7 Does a parole hearing guarantee release?

A parole hearing is available to all incarcerated people who have been deemed eligible for parole. **Parole eligibility does not guarantee release, only consideration.** The Commission utilizes parole hearings to determine whether or not someone is ready to return to the community.

**Apart from life without parole (LWOP) sentences, all incarcerated people will return home some day.** The Commission decides if they’re best suited to transition home under parole supervision or max out their sentence in prison.

### 8 Will this bill grant parole to more people?

The Parole Commission will retain full discretionary authority for parole release decisions. Generally, in order to be eligible for a parole hearing, people have to serve at least 25% of their sentence for a non-violent offense or 50% of their sentence for a violent offense (Md. Code, Corr. Servs. § 7-301).

Our proposed updates address existing procedures for eligible people to bring Maryland up-to-par with national standards. **These proposals would provide hearings to people who are already eligible – they do not affect any eligibility laws and do not result in automatic release.**

### 9 Is it true people convicted of murder will get out sooner if these proposals are passed?

First degree murder maintains a sentence option of life without parole if the prosecutor decides to pursue it (Md. Code, Crim. Law § 2-201, Md. Code, Crim. Law § 2-203). None of these proposals affect people convicted of particularly egregious examples of first-degree murder since they are not eligible for parole.

### 10 What’s the impact of these proposals on victims and their families?

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

*Per our proposals, victims may:*

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

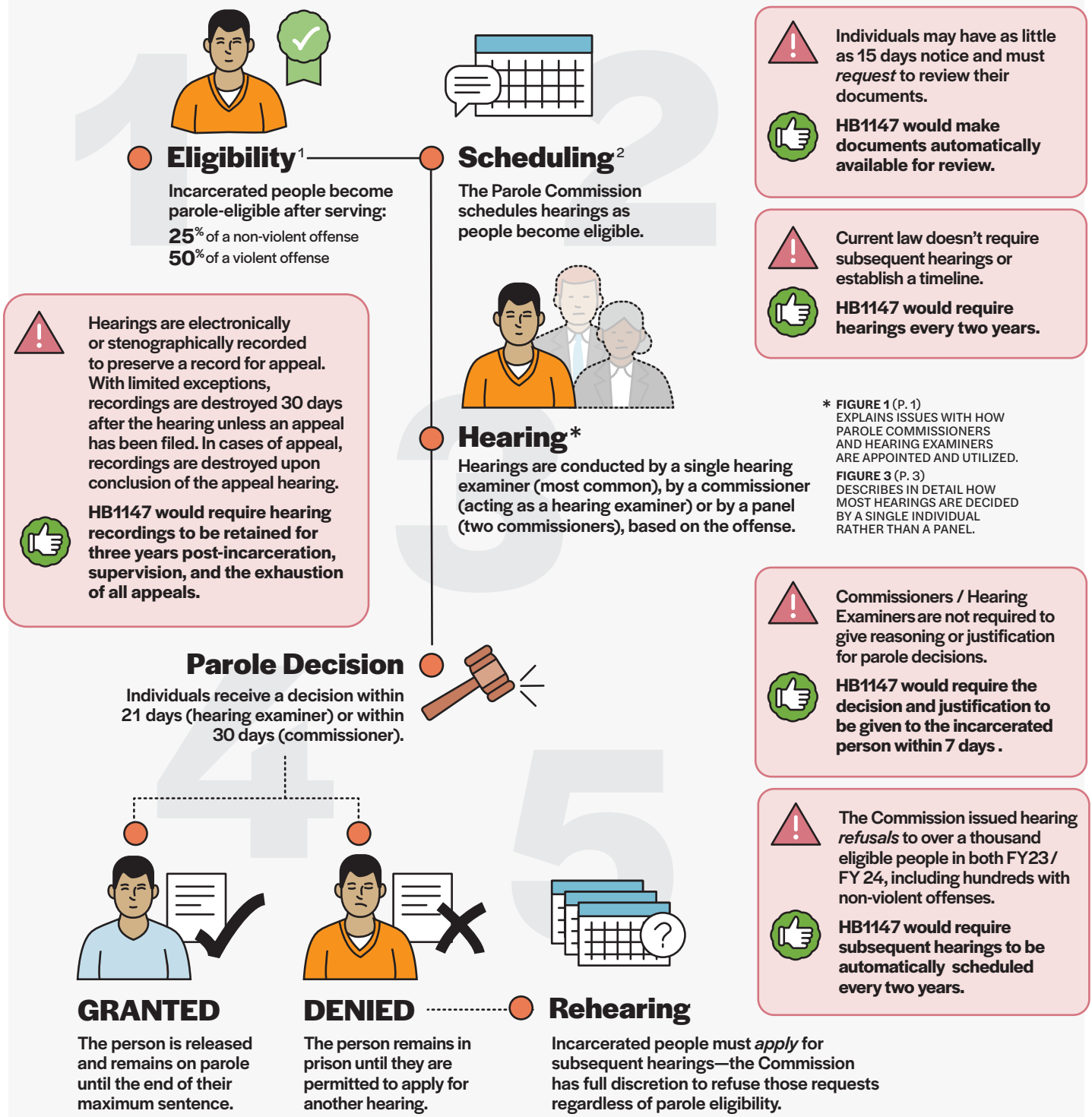


**maryland-parole-process-2.pdf**

Uploaded by: DeRay Mckesson

Position: FAV

HB1147 & HB1156 would update the current Maryland parole process to improve transparency and equity in each of the areas identified below.



1. Md. Code, Corr. Servs. § 7-301

2. According to a records request to DPSCS, people may apply for a subsequent hearing every year (if serving <10 years) or every two years (if serving >10 years).

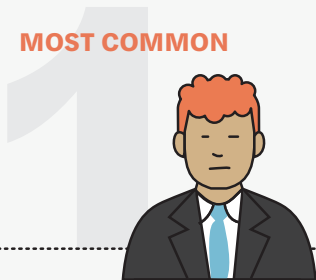


Most people's hearings are conducted by a **single person** who is *not* an appointed commissioner.<sup>3</sup>



HB1156 would increase the size of the commission and require all parole hearings to be conducted by commissioners.

**MOST COMMON**



The majority of parole hearings are held by a **single Hearing Examiner**, or by a commissioner acting as a hearing examiner.



Approximately 9,000 parole eligible people will have a hearing with only one person. The hearing examiner submits their report to the Commission. If the Commission does not file an exception (appeal), the recommendation becomes the final decision.

**LESS COMMON (CERTAIN OFFENSES)**



For certain offenses, such as homicide or for parole-eligible life sentences, hearings are conducted by a panel of at least **two Commissioners**.



Approximately 6,000 people serving sentences for homicide or parole-eligible life sentences will have a panel hearing with at least two commissioners. A unanimous decision of two commissioners is required. If the two do not agree, a new panel of three commissioners is formed to rehear the case. The majority vote of the three is the decision.

**RARE UNDER CURRENT LAW**



Only those convicted of a crime post-October 2021 and given a parole-eligible life sentence have a hearing before the **full Commission**.



A grant requires the affirmative vote of six commissioners — there are currently only seven. There are few, if any, individuals impacted by this provision that are currently parole eligible.

3. Md. Code, Corr. Servs. § 7-304, Md. Code, Corr. Servs. § 7-306, Md. Code, Corr. Servs. § 7-307



**HB1147-LOC.pdf**

Uploaded by: Christopher Thoms

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401  
(443) 240-8696 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

WES MOORE  
GOVERNOR

ARUNA MILLER  
LT. GOVERNOR

CAROLYN J. SCRUGGS  
SECRETARY

JOSEPH SEDTAL  
DEPUTY SECRETARY  
ADMINISTRATION

ANNIE D. HARVEY  
DEPUTY SECRETARY  
OPERATIONS

ANGELINA GUARINO  
ASSISTANT SECRETARY  
DATA, POLICY AND GRANTS

RENARD BROOKS  
ASSISTANT SECRETARY  
PROGRAMS, TREATMENT AND  
REENTRY SERVICES

JASON DAVIDSON  
DIRECTOR OF  
GOVERNMENT & LEGISLATIVE  
AFFAIRS

**BILL:** HOUSE BILL 1147

**POSITION:** LETTER OF CONCERN

**EXPLANATION:** This bill aims to increase transparency and equity with the Maryland Parole Commission.

#### COMMENTS:

- The Maryland Parole Commission (Commission) is charged with determining on a case-by-case basis whether incarcerated individuals serving sentences of six months or more in State or local correctional facilities are suitable for release into the community under certain conditions or supervision by the Division of Parole and Probation.
- Parole Commissioners and hearing examiners hold hearings via videoconferences and in correctional facilities throughout the State. The Commission also holds open parole hearings and has a strong commitment to victim rights.
- HB 1147 significantly shortens the timeframe for a hearing examiners to submit a written report on parole findings and recommendations, reducing the period from 21 days to just 7 days. Additionally, it requires the Commission to provide a written report of its findings to the incarcerated individual within 7 days, reduced from the previous 30 day timeframe.
- Meeting these shortened deadlines for written reports will place an overwhelming strain on the Commission, requiring the hiring of additional staff to manage the increased workload.
- In addition, HB 1147 removes the authority of the Commission to permanently deny parole, and requires a parole hearing every 2 years after each hearing that resulted in a denial of parole.
- The MPC does not permanently deny parole. Parole may be denied, but it is never permanent. An incarcerated individual may submit a written request for reconsideration within one or two years after

parole is denied. Furthermore, each denial by a Commissioner must include the rationale for the decision, along with specific benchmarks or goals the individual should work toward before the next parole hearing.

- Scheduling a hearing every two years would place a significant strain on the Commission, overwhelming its resources and capacity.
- Regarding the requirement that all parole hearings be recorded, in accordance with MPC policy, every parole hearing is recorded. A copy of the audio recording may be requested by the incarcerated individual or legal representative. The incarcerated individual is informed of this at the hearing. Audio recordings are currently retained by the Commission for 5-7 years.
- In 2024, a total of 6,700 parole hearings were conducted averaging more than 400 hearings each month. Requiring a transcription of every hearing would impose a significant burden and necessitate additional staffing resources.
- Maintaining confidentiality in the parole process to protect sensitive information is crucial and must be taken into consideration when making a hearing transcript available to the public. The perspectives of both the incarcerated individual and the victim must be carefully considered when deciding whether to make a hearing transcript available to the public.
- To successfully implement the provisions of HB 1147, additional hearing examiners, as well as administrative and support staff will be necessary and will incur significant costs.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests this Committee consider this information as it deliberates on House Bill 1147.

# **Parole reform - frequent review, privacy - house t**

Uploaded by: Lisae C Jordan

Position: INFO



## Working to end sexual violence in Maryland

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
www.mcasa.org

### **Testimony Regarding House Bill 1147** **Lisae C. Jordan, Executive Director & Counsel** March 4, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

MCASA has grave concerns about HB1147, particularly regarding the provisions for excessively frequent hearings, lack of adequate protections for victim privacy, and unnecessary expenditures in a tight budget year. We are not philosophically opposed to parole reform and the sponsor has assured us that amendments to address concerns will be taken seriously, therefore, MCASA is providing information as opposed to full opposition to the bill. With this in mind, we respectfully suggest that if the Committee chooses to move forward on HB1147, it should be amended to provide more sensitive scheduling of hearing, clarify victim participation, create a presumption for a victim stay away order, and protect privacy.

#### **Frequency of Hearings**

Both the offender and the victim could benefit from knowing when parole hearings will be scheduled. However, HB1147 proposal for hearing every two years is grossly insensitive in sexual assault cases. MCASA suggests that the parole board have the ability to choose future review dates and provide a date certain. This allows for consideration of the length of remaining sentence (for example, a hearing in 5 years may not be appropriate for a sex offender facing an additional 5 years incarceration, but a hearing in 5 years is too frequent for an offender with an additional 40 years to serve). This also allows for consideration of practical issues, such as a desire to keep a child sex offender in prison until their victim graduates from school. We also specifically object to provisions depriving the parole commission of the ability to permanently deny parole; while there are few cases that should result in this, they do exist.

#### **Victim/Survivor Participation in Parole Hearings**

Current victim rights laws provide the right to participate in parole hearings. Crim.Pro. §11-505. However, it could inflict significant trauma on a rape victim to participate every two years in person (or virtually) and, conversely, if a victim does not object to release on parole, it is onerous to require personal appearance. A Washington Post article, <https://www.washingtonpost.com/dc-md-va/2024/01/25/this-law-makes-her-explain-trauma-her-rape-every-few-years/>, describes in vivid detail the harm Second Look legislation can have on rape survivors; parole hearings are not significantly different in that both involve releasing offenders from incarceration. We therefore urge the Committee to include language regarding victim impact statements and to require the Court to consider the statement, including previously filed statements. We also strongly suggest protecting victims from cross examination.

**A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED RELEASE;**

**(II) THE COURT SHALL CONSIDER ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING, UNDER THIS SECTION, OR AT ANY OTHER PROCEEDING IN THE CASE.**

**(III) A VICTIM SHALL NOT BE SUBJECT TO CROSS EXAMINATION WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SECTION**

**STAY AWAY ORDERS**

If the Committee chooses to report favorably, we also urge support for an automatic order to stay away from the victim and victim's family as a condition of release unless the victim requests otherwise. For example:

**A COURT SHALL ORDER A DEFENDANT TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF A DEFENDANT IS RELEASED UNLESS THE VICTIM REQUESTS OTHERWISE. A COURT MAY IMPOSE ANY OTHER CONDITION OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND ENHANCE PEACE OF MIND.**

**PRIVACY**

HB1147 attempts to address victim privacy by requiring that names be redacted from publicly available transcripts. In order to protect privacy, all personally identifiable information should be redacted, taking consideration of the community size, context of the crime and relationship between the parties, and case facts. Given the difficulty in creating effective protection and the cost of creating a transcript in every case, MCASA also suggests that transcripts be produced when requested, not routinely.

MCASA notes in conclusion that we continue to have grave concerns about the impact of HB1147 on victims, however, we also acknowledge the need for parole reform and look forward to continuing to work with the sponsor.

