

Understanding **HB16/SB 823 & HB 467/SB 822**

Improvements in Transparency and Equity

Campaign Zero has conducted a rigorous 50 state review of parole statutes, state code, and administrative regulations across a variety of policy areas. We commend the sponsors for these common-sense updates intended to bring Maryland up to date with parole practices across the country.

GENERAL FAQs

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 Will this bill grant parole to more people?

This bill does not change parole eligibility laws or the Parole Commission's ability to grant parole. 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.

The 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.*

[MD. CODE, CORR. SERVS. § 7-301](#)

3 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.

4 Does a parole hearing guarantee release?

No. 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

AUTOMATIC SCHEDULING

5 Chair Eley says the Parole Commission has not denied a single request for a parole hearing under his leadership.

Why is this bill still necessary?

Chair Eley's commitment to giving every eligible person a hearing (since his appointment as Chair in 2025) is important, but there will be a day when he steps down and a new person is appointed Chair of the Parole Commission. Administrative changes come and go when new people attain leadership positions, while legislative changes are structural and long-lasting. All structural elements governing the Parole Commission's function should be fair regardless of the Chair. We must ensure state law requires parole hearings for each parole-eligible person and does not rely on the discretion of an appointed position.

6 Is Maryland an outlier 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 five states that requires a person to apply for a parole hearing (along with Delaware, Idaho, Pennsylvania 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 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. None of these proposals affect people convicted of particularly egregious examples of first-degree murder since they are not eligible for parole.

[MD. CODE, CRIM. LAW § 2-201](#)

[MD. CODE, CRIM. LAW § 2-203](#)

HEARING EXAMINERS

8 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 whose primary responsibility is parole determinations. However, the DPSCS Secretary also appoints—with as many hearing examiners as are required to conduct parole hearings. These hearing examiners have no required review for experience or competency to make parole decisions.

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. In short, hand-selected staff members are making decisions about people's freedom without any review.

[MD. CODE, CORR. SERVS. § 7-202](#)

[MD. CODE, CORR. SERVS. § 7-204](#)

9 Which people have their hearings with a commissioner and who has one with 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. All other parole hearings are conducted by a hearing examiner.

Of the ~15,000 incarcerated people currently eligible for parole, OVER HALF (~9,000) will have a hearing with a hearing examiner. The majority of people will never meet with a parole commissioner.

[MD. CODE, CORR. SERVS. § 7-204](#)

[MD. CODE, CORR. SERVS. § 7-205](#)

[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 and 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)

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.



HB 16 would increase the size of the commission and require actual parole commissioners to conduct all parole hearings.

VICTIM IMPACT

10 What are the current options for victims to participate in the parole process?

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:

- Submit a notification form if they wish to be notified of parole hearings and release decisions.
- Submit a victim impact statement, their recommendation on advisability of parole release, and request a meeting with a commissioner
- Request an open hearing at which they may attend and speak.

Current state law requires the Parole Commission to consider an updated victim impact statement or recommendation prepared under MD. CODE, CORR. SERVS. § 7-801. HB 467/SB 822 would expand this consideration to include any original or subsequently filed victim impact statement or recommendation.

[MD. CODE, CORR. SERVS. § 7-304](#)

[MD. CODE, CORR. SERVS. § 7-305](#)

[MD. CODE, CORR. SERVS. § 7-801](#)

[MD. CODE, CRIM. PROC. § 11-104](#)

11 How many victims request to attend parole 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. According to the Parole Commission's annual reports, 1% of parole hearings have had a victim request to attend each of the last two years.

a. [FY2023](#): 62 of 5,803 hearings were open

b. [FY2024](#): 56 of 5,931 hearings were open

12 Will either of these bills limit the existing ability of victims to be heard or represented in the parole process?

HB 467/SB 822 expands the number of victim impact statements that the Parole Commission must consider before deciding whether to grant or deny parole.

Current state law requires the Parole Commission to consider an updated victim impact statement prepared under MD. CODE, CORR. SERVS. § 7-801. HB 467/SB 822 would expand this consideration to include *any* original or subsequently filed victim impact statement or recommendation.

Neither bill restricts or reduces victim input.

[MD. CODE, CORR. SERVS. § 7-305](#)