

Automatic Hearings

Comparing HB 467 / SB 822 to National Precedent

Overview

[HB 467](#) / [SB 822](#)'s primary change to Maryland law is establishing an automatic scheduling cadence for parole hearings based on the person's sentence length and incarcerating offense.

- Up to 10 year sentence: Parole hearings not later than every two years for individuals who are parole-eligible.
- Over 10 year sentence: Parole hearings not later than every three years for individuals who are parole-eligible.

Note: For people serving a sentence over twenty years for a crime against an individual, their second hearing will be not later than three years after a denial. All subsequent hearings will be not later than five years after a denial.

Maryland is one of five states (DE, ID, PA, UT) that requires parole-eligible people to request a hearing following a denial. According to a [records request](#) response from DPSCS, Maryland allows people to request a hearing annually if their sentence is less than 10 years. People serving 10 years or more can request a hearing every two years.

The Parole Commission, if they choose to, can deny parole *hearings* to anyone they choose, 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. **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. The Board's 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](#))

Note: Arkansas ([Ark. Code § 16-93-615](#)), New York ([N.Y. Exec. Law § 259-I](#)), and South Dakota ([S.D. Codified Laws § 24-15A-39](#)) have similar two year cadences as HB 467 / SB 822 for all offense types.

- 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