



**Testimony for the Senate Judicial Proceedings Committee  
February 25, 2026**

**SB 823 – Correctional Services – Maryland Parole Commission  
– Members and Hearing Examiners**

**FAVORABLE WITH AMENDMENTS**

DARA JOHNSON

ASSOCIATE STAFF  
ATTORNEY

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 200  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
COREY STOTTLEMYER  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland and the Center for Criminal Justice Reform at the University of Baltimore School of Law support SB 823 with the amendments outlined in our attached joint proposal. These amendments reference both this bill and similar provisions offered under HB16, and are offered in collaboration with the Office of the Public Defender, the Maryland Alliance for Justice Reform, and PREPARE.

The amendment relevant to the current language of SB 823 is summarized in the attached proposal under concern no. 2, which seeks to include the voices of incarcerated individuals and their loved ones among potential nominees for commission appointment. Including their distinct perspectives is key to ensuring the decisions of potential commissioners meaningfully account for those most directly impacted.

We are also seeking an additional amendment under SB 823 that modifies Correctional Services Article Section 7-202(f)(1) to allow hearing examiners to temporarily fill empty commissioner seats to avoid vacancy-related delays (as outlined under concern no. 3 in the attached proposal). As implementing the appointment process proposed by this bill will likely increase the delays in parole consideration that often arise when the Commission lacks a full panel, this change will help fill those gaps and support timely decisionmaking.

With these changes, we are hopeful that SB 823 can serve as an important step toward more sound and efficient decisions for all parole candidates at every step of the process. Accordingly, the ACLU of Maryland and the Center for Criminal Justice Reform at the University of Baltimore School of Law urge a favorable report on SB 823 if amended.

## **HB16/SB823 (Parole Commission Appointments)** **Primary Concerns & Proposed Amendments**

**Concern No. 1: Eliminating the role of hearing examiners under HB16 would needlessly increase delays in the parole process.**

- **Proposed Amendments:**

1. Remove all amendments in HB16 that strike language providing for hearing examiners.
2. To account for concerns with review conducted by hearing examiners, broaden the list of serious cases heard exclusively by commissioners to include parole candidates serving 20+ year sentences by amending Section 7-205(a)(iii) beginning on page 5, line 4, as follows in red:

(iii) the incarcerated individual is serving a sentence of life imprisonment **OR A NON-AGGREGATED TERM OF CONFINEMENT OF AT LEAST 20 YEARS;**

**Concern No. 2: Among concerns with the relevance of certain nominees provided as potential appointees to the Commission, the current list lacks the distinct and important perspectives of formerly incarcerated individuals and their loved ones.**

- **Proposed Amendment** - Amend Section 7-202(a)(2)(l)(7) beginning on page 2, line 19, as follows in red:

**7. THREE MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR, WHICH SHALL INCLUDE ONE MARYLAND RESIDENT FORMERLY INCARCERATED IN MARYLAND CORRECTIONAL INSTITUTION FOR WOMEN, ONE MARYLAND RESIDENT FORMERLY INCARCERATED IN ANY MARYLAND PRISON, AND ONE MARYLAND RESIDENT WHO IS THE IMMEDIATE RELATIVE OF A FORMERLY OR CURRENTLY INCARCERATED INDIVIDUAL.**

**Concern No. 3: Allowing hearing examiners to temporarily fill empty commissioner seats would help mitigate vacancy-related delays that are likely to increase once the new appointment process under this bill takes effect.**

- **Proposed Amendment** – Remove amendment striking Section 7-202(f) and amend the language of 7-202(f)(1) beginning on page 3, line 21, as follows in red:

(f) (1) If **A VACANCY EXISTS ON THE COMMISSION OR** a commissioner is unable to perform the commissioner's duties because of sickness, incapacity, or disqualification, the Secretary [may] **SHALL** appoint a hearing examiner **WITHIN 30 DAYS** to the Commission to perform those duties until that commissioner is able to resume those duties or until a new commissioner is appointed and qualifies.