senate bill 791 2-23-26.pdf
Uploaded by: Cathy Stogel
Position: FAV

Testimony on Senate Bill 791 **– Favorable SB791**

Correctional Services and Public Safety - Immigration Enforcement - Prohibitions (Community Trust Act)

Judicial Proceedings Committee

Submitted by Cathy Stogel 2-25-26

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

As a resident of Howard County I am writing in support of **SB791.**
I support SB791 because it does not prevent the federal government from enforcing immigration laws. It only requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody.

We have all seen the many, many reports of unlawful acts committed by ICE. We should protect our own officers and not put them in such a situation. SB 791 would prevent wasting taxpayer dollars and make our communities stronger by building trust between residents and law enforcement.

For these reasons, I respectfully urge the committee to issue a **favorable report on SB791**.
Thank you for your time and consideration.
Sincerely,
Cathy Stogel
2581 Liter Dr
Ellicott City, MD 21042

Community Trust Act Testimony SB791.pdf
Uploaded by: Deborah Mason
Position: FAV

I am writing to urge you to vote for SB 0791, Community Trust Act, without amendments.

Maryland currently enables President Trump's cruel and lawless mass deportation agenda by allowing localities to voluntarily funnel immigrants into ICE custody. Entirely separate from formal 287(g) agreements, in 23 of 24 counties, local law enforcement and jails still notify or hold and transfer individuals to ICE. The Attorney General and extensive case law have found that honoring ICE administrative requests to detain individuals without a judicial warrant is illegal and could lead to civil lawsuits. Continued voluntary collusion with this ICE's paramilitary forces is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe.

This informal and illegal collaboration has funneled 4 times more Marylanders – most of whom had no criminal conviction into the deportation pipeline—than under 287(g) agreements. Shockingly, 23 of 24 Maryland counties informally assist ICE in this way. Furthermore, Maryland sheriffs who currently have 287 (g) agreements have boasted that they will continue to cooperate with ICE on an informal basis, openly flouting the intent of the General Assembly. Continued voluntary collusion with this ICE's paramilitary forces is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe. The Community Trust Act would affirmatively ban this practice, ceasing Maryland's complicity in the Trump administration's inhumane mass deportation agenda.

As a Maryland resident and your constituent, I do not want Maryland's public safety resources used to support the Trump administration's quota-driven deportation dragnet. I call on you to close all existing loopholes that allow Maryland's law enforcement and correctional facilities to aid and abet ICE's lawlessness.

As we have seen with 287(g), local jails have quietly become essential to Trump's mass arrest and deportation campaign. I am pleased to see the legislature is on track to ban formal collaboration with ICE with the passage of HB 444/SB 245. The Community Trust Act is a critical next step to 1) affirm that correctional facilities must have a judicial warrant to detain, or prolong a person's detention, in order to transfer them to ICE; and 2) stop police and correctional officers from facilitating immigration arrests by reaching out to ICE directly with information about people who encounter law enforcement. Nothing in the legislation prevents the Federal government from enforcing immigration laws or hides any information from ICE, now the most highly funded law enforcement agency in the world.

Maryland must learn from states like New Jersey, which banned 287(g) but continued to permit informal collaboration with ICE. After leaving this loophole open, New Jersey saw a spike in arrests from local jails as well as in the streets. Ceasing collaboration with ICE in all forms reduces DHS ability to conduct their campaign of terror in our communities. Please protect as

many of our immigrant neighbors as possible, and defend the rule of law, by voting a clean Community Trust Act out of committee.

Respectfully submitted,

Deborah Mason
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443-902-0124
2500 Erdman Avenue
Baltimore, Maryland 21213

Automatic Hearings National Comparison HB 467 _ SB
Uploaded by: DeRay Mckesson
Position: FAV

CAMPAIGN ZERO

Version: February 2026

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

HB 467 _ SB 822 Summary-2.pdf
Uploaded by: DeRay Mckesson
Position: FAV

CAMPAIGN ZERO

Version: February 2026

A Deeper Dive Into Maryland's HB 467 / SB 822

Overview of House Bill 467 / Senate Bill 822 - Improvements in Transparency and Equity

Overview

House Bill 467 / Senate Bill 822 make 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.

HB 467 / SB 822 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[1].

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.

HB 467 / SB 822 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[2].

D. Commission Decisions are Promptly Communicated

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

HB 467 / SB 822 would require decisions to be communicated within fourteen days of the parole hearing. Oklahoma, one of the most conservative parole states, 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.

[1] 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).
[2] 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

The Parole Commission has the power to 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.

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

HB 467 / SB 822 would require parole hearings to occur on a tiered schedule based on the person's length of sentence 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.

F. All Hearings Are Recorded 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).

HB 467 / SB 822 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 personally identifiable 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.

Parole FAQs.pdf
Uploaded by: DeRay Mckesson
Position: FAV

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

Parole Hearing Schedule Visualization 822.pdf

Uploaded by: DeRay Mckesson

Position: FAV

[Last Updated: February 2026]

HB 467 / SB 822 Parole Hearing Schedule

Up to 10 year sentence
A person has their next parole hearing not more than two years after a parole denial.

Greater than 10 year sentence
A person has their next parole hearing not more than three years after a parole denial.

Greater than 20 year sentence if crime has a victim
A person has their next parole hearing not more than three years after their first parole denial and not more than five years after all subsequent parole denials.

KEY

- Various sentence lengths are listed in the far left column for both violent and non-violent offenses.
- Possible hearings are listed at the top of each column
- The number of years people must serve for each respective hearing complete the table.

Incarcerated Individuals Convicted Of Violent Crimes

MD. CODE, CORR. SERVS. § 7-301

Sentence Length	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5	Hearing 6	Hearing 7	Hearing 8	Hearing 9
8	4 years	6 years	RELEASE						
10	5 years	7 years	9 years	RELEASE					
12	6 years	9 years	RELEASE						
16	8 years	11 years	14 years	RELEASE					
20	10 years	13 years	16 years	19 years	RELEASE				
22	11 years	14 years	19 years	RELEASE					
30	15 years	18 years	23 years	28 years	RELEASE				
40	20 years	23 years	28 years	33 years	38 years	RELEASE			
50	25 years	28 years	33 years	38 years	43 years	48 years	RELEASE		
60	30 years	33 years	38 years	43 years	48 years	53 years	58 years	RELEASE	
70	35 years	38 years	43 years	48 years	53 years	58 years	63 years	68 years	RELEASE

Incarcerated Individuals Convicted Of Non-Violent Crimes

MD. CODE, CORR. SERVS. § 7-301

Sentence Length	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5	Hearing 6	Hearing 7	Hearing 8	Hearing 9
8	2 years	4 years	6 years	RELEASE					
12	3 years	6 years	9 years	RELEASE					
16	4 years	7 years	10 years	13 years	RELEASE				
20	5 years	8 years	11 years	14 years	17 years	RELEASE			
24 with victim	6 years	9 years	14 years	19 years	RELEASE				

KEY TAKEAWAYS

Establishing an automatic schedule for parole hearings benefits all parties.

A People with parole-eligible sentences will know upon incarceration how many parole hearings they will have. For example, someone serving an 8 year sentence for a violent offense will know they will have two chances at parole release while in prison and can effectively plan ahead for their hearings.

B The Parole Commission will be able to plan ahead and effectively schedule parole hearings for all incarcerated people. The current unpredictability—how many eligible people will be refused a hearing—benefits no one.

HB 467 / SB 822 Automatic Scheduling

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.

Generally, people become eligible for parole after serving 50% of their sentence for a violent offense or 25% of their sentence for a non-violent offense.

MD. CODE, CORR. SERVS. § 7-301

PAROLE HEARING REFUSALS

Currently, parole-eligible people must apply for a subsequent parole hearing following a denial. Maryland is one of only five states (DE, ID, PA, UT) that requires a person to apply for subsequent parole hearings. 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.

There's no limit on how many times the Commission can deny any person a hearing and it's possible that people will be given a de facto "without parole" sentence and forced to serve out their time. There is no explicit authority in state law granting the Commission this authority and these hearing refusals effectively overrule the intent and decisions of both the legislature and the courts who decide sentencing parameters.

Parole eligibility is established by the legislature and sentenced by the courts. The executive branch should not be able to overrule either authority.

HB 467/SB 822 Language

7–307.1.

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

(B) An incarcerated individual is entitled to a subsequent parole hearing:

1. For an incarcerated individual sentenced to a period of incarceration of 10 years or less, not later than 2 years after each parole hearing that results in a denial of parole;
2. Except as provided in item 3 of this subsection, for an incarcerated individual sentenced to a period of incarceration exceeding 10 years, not later than 3 years after each parole hearing that results in a denial of parole; and
3. For an incarcerated individual sentenced to a period of incarceration exceeding 20 years for a crime against an individual, not later than 3 years after the first parole hearing that results in a denial of parole and not later than 5 years thereafter.

Parole Process Map 822 823.pdf
Uploaded by: DeRay Mckesson
Position: FAV

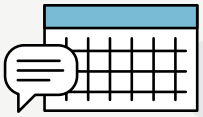
HB 16/SB 823 & HB 467/SB 822 would update the current Maryland parole process to improve transparency and equity in each of the areas identified below.

Eligibility[1]

Incarcerated people become parole-eligible after serving:

25% of a non-violent offense

50% of a violent offense



Scheduling[2]

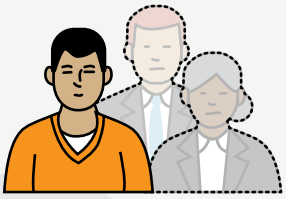
The Parole Commission schedules hearings as people become eligible.

Individuals may have as little as 15 days notice and must *request* to review their documents.

HB 467/SB 822 would make documents automatically available for review.

Current law doesn't require subsequent hearings or establish a timeline.

HB 467/SB 822 would establish a set schedule for subsequent parole hearings



Hearing*

Hearings are conducted by a single hearing examiner (most common), by a commissioner (acting as a hearing examiner) or by a panel (two commissioners), based on the offense.

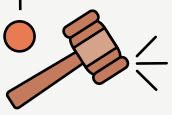
* **FIGURE 1** (P. 1) EXPLAINS ISSUES WITH HOW PAROLE COMMISSIONERS AND HEARING EXAMINERS ARE APPOINTED AND UTILIZED.
FIGURE 3 (P. 3) DESCRIBES IN DETAIL HOW MOST HEARINGS ARE DECIDED BY A SINGLE INDIVIDUAL RATHER THAN A PANEL.

Hearings are electronically or stenographically recorded to preserve a record for appeal. With limited exceptions, recordings are destroyed 30 days after the hearing unless an appeal has been filed. In cases of appeal, recordings are destroyed upon conclusion of the appeal hearing.

HB 467/SB 822 would require hearing recordings to be retained for three years post-incarceration, supervision, and the exhaustion of all appeals.

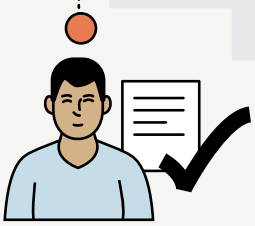
Parole Decision

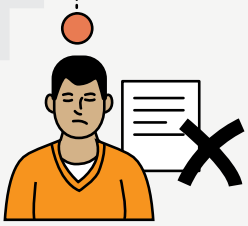
Individuals receive a decision within 21 days (hearing examiner) or within 30 days (commissioner).

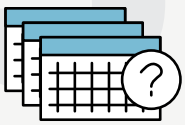


Commissioners / Hearing Examiners are not required to give reasoning or justification for parole decisions.

HB 467/SB 822 would require the decision and justification to be given to the incarcerated person within 14 days .







GRANTED

The person is released and remains on parole until the end of their maximum sentence.

DENIED

The person remains in prison until they are permitted to apply for another hearing.

Rehearing

Incarcerated people must *apply* for subsequent hearings—the Commission has full discretion to refuse those requests regardless of parole eligibility

The Commission issued hearing *refusals* to over a thousand eligible people in both FY23/FY24, including hundreds with non-violent offenses.

HB 467/SB 822 would require subsequent hearings to be automatically scheduled every 2, 3, or 5 years, depending on the person's length of sentence and incarcerating offense.

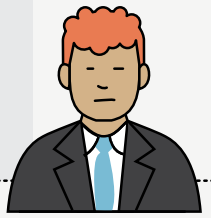
1. Md. Code, Corr. Servs. § 7-301
2. According to a records request to DPSCS, people may apply for a subsequent hearing every year (if serving <10 years) or every two years (if serving >10 years).

[FIGURE 2] **HOW HEARINGS ARE DECIDED**

Most people's hearings are conducted by a **single person** who is *not* an appointed commissioner.[3]

HB 16 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.

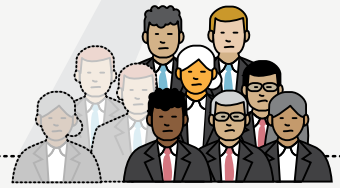
LESS COMMON (CERTAIN OFFENSES)

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

SB0822 - Correctional Services - Maryland Parole C

Uploaded by: Anne Pack

Position: FWA

Anne Bocchini Pack
Co-Founder and Director of Advocacy, PREPARE

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SB0822 - Correctional Services - Maryland Parole Commission - Improvements in Transparency and Equity - FWA

I am a formerly incarcerated parole advocate who co-founded PREPARE while incarcerated at MCIW. I have personally been assisting individuals in the parole process since 2017, and PREPARE has served over 2,000 parole-eligible Marylanders since our incorporation in 2021. I have participated in numerous collaborative workgroups since my release in 2022, including the MEJC Parole and Decarceration subcommittee which produced two of the three recommendations included under Prisons, Jails and Detention centers in the MEJC report, including Recommendation #10, which is reflected in this SB0822 and the House sponsor amendment. I urge the Senate to adopt the amendment and return a favorable report on SB0822.

SB0822 hits every mark of the MEJC recommendation. It requires aggregate data in a public report that is uniformly structured, it provides access to the full materials used by the Commission to make their decision, with the notable and understandable exclusion of the victim statement, it establishes a regular timeline for review of cases on a scale that is reasonably attached to the length of the sentence and seriousness of the offense, and it requires the Parole Commission to provide a detailed reasoning for the outcome of each case. It is an excellent bill that passed the House last session. I have attached the relevant section of the MEJC report.

The House sponsor amendment makes some small informational and technical corrections to ensure implementation is smooth and not burdensome. It adds a few additional but important data points to the data that is to be published in annual reports, resolving confusion that led to the publication of erroneous data regarding Maryland's grant rate in several Prison Policy Initiative reports. It requires the disclosure of the Case Plan, Pre-Parole Summary and Case Manager Recommendation used to evaluate the individual under CS 7-305 (11), which is currently denied to the incarcerated individual, and offers the hearing recordings at no cost to the incarcerated individual. Finally, it changes the required reasoning disclosure format for en banc hearings to match the collective reasoning format that exists on the parole decision sheet.

SB0822, including the House sponsor amendment, is an accurate reflection of years of collaborative work conducted under the MEJC, and would strengthen Maryland's current parole process and provide the date to inform future improvement. I urge a favorable report.

- **Nursing Home Release:** This release is designed for people with terminal illnesses, recognizing the importance of care and safety in their final days.[281]

These models demonstrate the feasibility and benefits of expanding parole eligibility for aging and seriously ill people, highlighting the potential for reducing racial disparities and promoting fairness.

Implementation

- **Legislative Action:** Amend Maryland's parole statutes to broaden eligibility for medical parole, require a diagnosis from a medical professional for all eligible applicants, and expand the geriatric parole policy adopted in 2016 beyond repeat violent offenders by moving the geriatric parole language in Sec. 14-101(f) to Subsection 3, Section 7-301 of Title 7.

- **Budgetary Analysis:** Require DPSCS to assess and provide budget estimates and necessary resources for the increased number of medical diagnoses under the new statute and compare this cost with the current expenses of housing people with significant medical needs.

- **Data Collection and Reporting:** Require the Maryland Parole Commission to collect and publish data on parole outcomes for aging and seriously ill people, disaggregated by race, gender, and geographic region, to monitor the impact of reforms and address any disparities.

ENHANCE TRANSPARENCY, CONSISTENCY, AND EFFICACY IN MARYLAND PAROLE COMMISSION DECISIONS

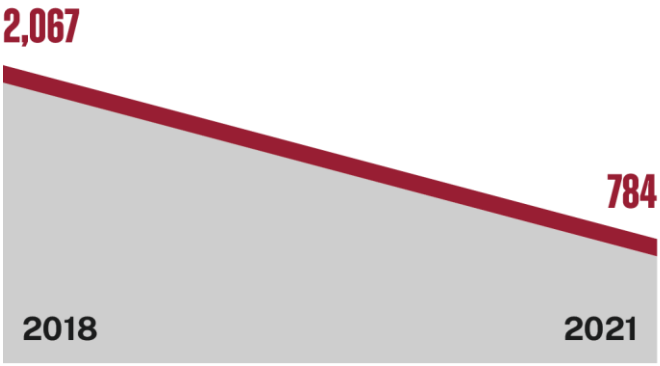
Recommendation #10: Enhance the transparency, consistency, and efficacy of parole decisions by allowing access to the materials and justifications relied upon for decision-making, developing clear guidance on the application of factors impacting release, identifying actions or steps that incarcerated people can take to improve their chances for release, surveying the services available to incarcerated people upon release, and publishing detailed reports on the Maryland Parole Commission's activities.

Background

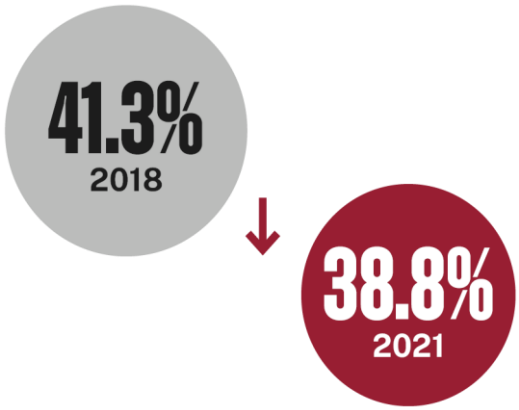
The parole process in Maryland has encountered criticism regarding transparency, consistency, and the potential for racial disparities.[282] Subjective and opaque parole decision-making disproportionately disadvantages incarcerated Black people, who often face systemic biases in how their cases are evaluated.[283]

Historically, parole processes have favored punitive approaches over rehabilitative ones, with incarcerated people often denied parole without clear explanations or actionable guidance for improving their chances.[284] Additionally, the number of parole hearings has declined from 2,067 in 2018 to 784 in 2021.[285] Parole grant rates in Maryland have declined from 41.3% in 2018 to 38.8% in 2021.[286] The limited availability of post-release services further exacerbates recidivism, disproportionately impacting Black people seeking parole.[287]

Number of Parole Hearings



Parole Grant Rates



Currently, the parole system in Maryland faces challenges related to transparency and consistency, which contribute to ongoing racial disparities and leave many incarcerated people without a clear path to reintegration.[288] We can enhance fairness and accountability by allowing access to decision-making materials and justifications. Additionally, establishing clear guidelines and actionable steps can empower incarcerated people to take proactive measures to improve their readiness for release.

Enhancing support for people transitioning out of incarceration can also significantly reduce the likelihood of recidivism and bring about a more just and equitable system for all through collaboration and commitment to these improvements.

Best Practices

The following are examples of states that have undertaken parole reforms to increase the efficiency and availability of the program while maintaining public safety.

- **New York:** New York's Board of Parole reform required parole boards to provide clear explanations for decisions and guidance on steps incarcerated people can take to improve their chances for release, and improved transparency and reduced perceived biases in decision-making.[289]

- **California:** California's parole process is guided by a regularly updated Comprehensive Risk Assessment (CRA) to enhance transparency and effectiveness in parole hearings,[290]and the California Parole Transparency Act mandates public reporting of parole decisions, including the factors considered and the

demographics of those granted release, increasing accountability and highlighting areas for improvement.[291]

- **Connecticut:** Connecticut overhauled its parole process by developing standardized decision-making frameworks and actionable steps for incarcerated people, significantly reducing racial disparities in parole outcomes.[292]

- **Wyoming:** Wyoming's parole system provides incarcerated individuals with full access to all materials the parole board will use, allows them to challenge the accuracy of this information, and ensures they understand the process with the assistance of caseworkers, promoting fair parole decisions.[293]

- **Michigan:** Michigan has established a standardized statewide parole process requiring the parole board to adhere to the recommendation for granting parole unless there is a valid reason to deviate, with the statute outlining 11 specific reasons for such deviations and requiring a written explanation if the recommendation is not followed. [294]

States Making Parole More Transparent and Straightforward

Wyoming

ACCESS + SUPPORT

People up for parole have assigned caseworkers, full access to all materials prior to hearing, and can challenge the accuracy of materials.

Michigan

TRANSPARENCY

Parole can only be denied for 11 predetermined, public reasons and explanation for denial must be detailed in writing.

California

RISK ASSESSMENT TOOLS

Risk assessment tools used by psychologists to make parole decisions.

Texas

OBJECTIVITY

Parole board must offer a written, public explanation based on objective standards when parole is denied.

North Carolina

TIMELINES

Cases must be reviewed at least once a year from the time of parole eligibility.

Implementation

- **Policy Reform:** Amend the Maryland Parole Commission policies to provide:
    - Incarcerated people and their advocates access to materials and justifications relied upon for parole decisions to ensure that decisions are transparent, fair, evidence-based, and bias-free.
    - Specific recommendations on actions that an incarcerated person can take to improve their readiness for success if granted parole, such as completing educational programs, engaging in therapy, or securing housing plans, ensuring that the required actions involve only programs or steps that are accessible and available to the individual.

- **Clear Guidance on Parole Criteria:** Develop and publish comprehensive guidelines detailing the factors influencing parole decisions, including rehabilitation progress, disciplinary records, and community support, to help incarcerated individuals understand how to demonstrate readiness for release, with a decision-making process prioritizing transformative personal changes from program participation rather than focusing solely on the details of the conviction.

- **Survey and Expand Post-Release Services:** Conduct a statewide survey of services available to people upon release, including housing, job training, and mental health

support, identify gaps, and allocate resources to expand access in underserved areas.

- **Public Reporting:** Publish annual reports detailing parole outcomes, disaggregated by race, gender, and offense type, and an analysis of trends and recommendations for reducing disparities.

EXPAND AN EMERGING ADULTS PROGRAM (AGES 18–25) FOCUSED ON COMMUNITY BUILDING AND INTENSIVE SERVICES

Recommendation #11: Expand an Emerging Adults Program (ages 18-25) that creates protocols geared toward community building and intensive services to improve post-release success and prevent future system involvement.

Background

Emerging adults, defined as people between the ages of 18 and 25, are disproportionately impacted by the criminal legal system.[295] Emerging adults comprise nearly 13% of Maryland's prison population.[296] In Maryland, approximately 80% of people who were sentenced as emerging adults and were sentenced to ten years or more are Black.[297] Improving this cohort's rehabilitative outcomes and preventing future system involvement would significantly reduce the adult prison population and the disparities within.

Emerging adults face unique developmental challenges, including higher rates of impulsive decision-making and difficulty navigating systems designed for older adults.[298] These factors increase the likelihood of recidivism when this population is released without adequate support.[299] The consequences of early criminal legal system involvement can devastate a young person's life trajectory.[300] Maryland's most recent recidivism data shows a 44% recidivism rate among emerging adults, compared to an average 32% rate overall.[301] The collateral consequences of criminal legal system involvement are compounded with every additional arrest. One national study found that with every additional arrest, people are more likely to be unemployed, to earn less, and to fail to receive a high school diploma.[302]

Adult-focused punitive frameworks for emerging adults fail to address their developmental needs. Incarceration often disrupts critical life transitions, such as completing education, securing employment, and building stable community ties.[303] Programs tailored to this age group have shown promise in reducing recidivism by addressing these challenges through targeted interventions.[304] One study conducted on the emerging adult program in South Carolina revealed that participants were 73% less likely to be convicted of a violent infraction after one year. Additionally, the program was associated with an 83% reduction in the likelihood of participants being placed in restrictive housing. The study also found that officers preferred working in this new environment, reporting reduced stress, enhanced quality of life, and opportunities for professional growth.[305]

To reduce recidivism, expanding the Emerging Adults Program in Maryland can establish protocols that emphasize community building, education, and intensive services. By concentrating efforts on this age group, Maryland can effectively address the systemic

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Position: FWA

Testimony for the Senate Judicial Proceedings Committee
February 25, 2026

SB 822 – Correctional Services - Maryland Parole Commission - Improvements in Transparency and Equity

FAVORABLE WITH AMENDMENTS

DARA JOHNSON

ASSOCIATE STAFF ATTORNEY

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The ACLU of Maryland and the Center for Criminal Justice Reform at the University of Baltimore School of Law support SB 822 with the amendments outlined in the attached proposal. With these changes and those currently offered in Amendment No. 243121/1 to this bill's House cross-file (HB467), this legislation offers important transparency and procedural measures that will significantly benefit the fairness and efficiency of the parole process.

We are in full support of this bill's provision ending the Commission's practice of permanently denying parole consideration. We are also aligned with incorporating the recent revision to HB467 under Amendment No. 243121/1 that helps reduce external political pressure on parole decisions by limiting public disclosure of the reasoning and justifications for a parole decision to those shared by the entire panel (rather than each commissioner's individual reasons).

In addition to these provisions, the amendments outlined in the attached proposal are needed for the following reasons:

- Proposed Amendment No. 1: Secure the access of a parole candidate's representative to important parole information.
    - In strengthening a parole candidate's access to information considered during the process, this bill removes current language under Section 7-303(b)(1)(i) that specifically allows this same access for a parole candidate's representative. It is imperative that this remains explicitly provided, as it is one of very few statutory rights of information access available to attorneys amid the many existing barriers to effective representation. These barriers include the lack of any notice given to representatives of the actual date of an upcoming parole hearing – along with limitations on client communication throughout the state prison

system, this makes it very hard to offer timely hearing support.

- Proposed Amendment No. 2: Ensure parole candidates can access victim impact statements and risk assessment reports (subject to appropriate privacy and safety limitations).
    - In line with this bill's provisions strengthening access to important parole documentation, additional clarity is needed to ensure parole candidates are provided full—but appropriately managed—access to victim statements and risk assessment reports. Currently, critical information in victim statements and risk assessments is often needlessly withheld from parole candidates, preventing a fair opportunity to account for all the considerations impacting their liberty interests during the parole process. While reasonable guardrails like appropriate redactions and informed disclosure can and should be imposed to protect the safety and privacy of everyone impacted, parole candidates must still be provided a chance to consider and respond to all information that can significantly weigh against or in favor of their release.

- Proposed Amendment No. 3: Provide a clear timeframe for completing the parole consideration process.
    - Extensive delays in the parole consideration process often result not only from the wait for a risk assessment, but also from long administrative lags. This has been a growing issue as more people with life sentences seek parole and encounter long delays before a parole hearing date is set (as the months-long victim notification period now occurs before an official date is scheduled); after the parole hearing occurs (where there are routine years-long delays with receiving any required risk assessment, as well as during the follow up pre-parole investigation by the Department of Parole and Probation, and while awaiting a final decision by the full *en banc* panel of commissioners required to vote in serious cases); and once release is granted (as the actual release date is largely up to the discretion of DPSCS).
    - These lengthy delays can be devastating, especially for older parole candidates with little time left to spare. For example, it recently took more than five months for an ACLU client to be granted immediate release by an *en banc* panel after the pre-parole investigation, during

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which time his mother passed away. Imposing a fixed period for the completion of any follow up after a parole hearing would make sure both parole candidates and victims impacted by drawn-out proceedings are afforded a genuine expectation of timely decisionmaking.

- Proposed Amendment No. 4: Provide an extra layer protection against undue public access to sensitive parole hearing recordings.
    - Recordings of parole hearings are currently treated as confidential and only shared with parole candidates and certain select individuals given access for legal or law enforcement reasons. Maintaining this protection by providing specific guardrails around disclosure would help safeguard the extremely sensitive information discussed during these hearings.

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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 822 if amended.

ACLU Maryland

Proposed Amendments to HB467
(as currently revised by Amendment No. 243121/1)

Proposed Amendment No. 1: Secure the access of a parole candidate's representative to important parole information.

- Amend Section 7-303(a) beginning on page 2, line 24, as follows in red:

  (a) Before any hearing on parole release, the Commission shall give the incarcerated individual **AND THE INCARCERATED INDIVIDUAL'S REPRESENTATIVE**:

Proposed Amendment No. 2: Ensure parole candidates can access victim impact statements and risk assessment reports (subject to appropriate privacy and safety limitations).

- Amend Section 7-303(2) beginning on page 3, line 6, as follows in red:

  (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, COPIES OF ALL DOCUMENTS that the Commission or hearing examiner will use in determining whether the incarcerated individual is suitable for parole, **INCLUDING:**
  (I) THE CASE PLAN;
  (II) THE PRE–PAROLE SUMMARY; ~~AND~~
  (III) THE CASE MANAGER'S RECOMMENDATION~~.~~;
  (IV) THE FULL REPORT OF ANY RISK ASSESSMENT; AND
  (V) ANY WRITTEN STATEMENT BY A STATE'S ATTORNEY, VICTIM, OR VICTIM'S REPRESENTATIVE.

  [(ii)**] (B) (1)** A document, or a portion of it, is not available for examination **[**,**]** if the Commission determines that:
  [1.**] (I)** the document or portion contains a diagnostic opinion **AND DISCLOSURE IS MEDICALLY CONTRAINDICATED AS STATED IN WRITING BY THE DIAGNOSING CLINICIAN**;

Proposed Amendment No. 3: Provide a clear timeframe for completing the parole consideration process.

- Amend Section 7-307(d)(1) beginning on page 6, line 3, as follows in red:

  (d)(1) The Commission panel shall inform the incarcerated individual and the appropriate correctional authority of the Commission's **FINAL** decision as soon as possible**, NO LATER THAN 12 MONTHS FROM THE DATE OF THE PAROLE HEARING, INCLUSIVE OF ANY SUBSEQUENT INFORMATION-GATHERING OR REVIEW.**

Proposed Amendment No. 4: Provide an extra layer protection against undue public access to sensitive parole hearing recordings.

- Amend Section 7-307.2(B)(2) beginning on page 7, line 3, as follows in red:

  (2) MADE READILY AVAILABLE AT NO COST TO THE INCARCERATED INDIVIDUAL, AND OTHERWISE EXEMPT FROM DISCLOSURE EXCEPT AS PROVIDED UNDER § 3-602(B) OF THIS ARTICLE.

SB0822 - Gordon Pack - 2.23.26.pdf
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February 23, 2026

SB 0822 – Correctional Services – Maryland Parole Commission – Improvements in Transparency and Equity – Favorable with Amendments- Feb. 23, 2026

Dear Members of the Judicial Proceedings Committee:

I am a Parole Advocate and the former chair of the Decarceration and Parole Subcommittee of the sunsetting Maryland Equitable Justice Collaborative (MEJC). The recommendations of this Subcommittee comprised of representatives from the Parole Commission, Division of Parole and Probation, DPSCS Case Management, Social Work and Program and Reentry services, Victim Rights Advocates, relatives of incarcerated Marylanders, Family Support organizations, legal clinics, law professors and parole advocates are reflected in this proposed legislation. Improving parole as a means of decarceration was the goal of this group of diverse stakeholders. Many of whom have onboarded to the Sentencing and Parole Workgroup of the Maryland Justice Partnership.

"Transparency, Consistency, and Detailed Rationale for Parole Decisions" was among several recommendations submitted to the leaders of MEJC which would be recommended by MEJC. It is refreshing to see that SB0822 even includes implementation procedures to bring about the desired outcome. I am grateful that the diverse stakeholders were consulted with the drafting of this Bill.

As SB0822 will improve MD's parole scheme, I urge this Honorable Committee to vote in favor of this monumental Bill with the House sponsored amendments.

Sincerely yours,

/s/Gordon R. Pack

O. Moyd SB 822 MPC Transparency Bill .pdf
Uploaded by: Olinda Moyd, Esquire
Position: FWA

Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities

Senate Bill 822
Favorable (with HB 467 amendments)
Judicial Proceedings Committee
Submitted by Olinda Moyd

Chair and Members of the Committee:

On behalf of The Maryland Alliance for Justice Reform (MAJR), an all-volunteer, non-partisan organization with 2,000 members statewide, we urge your favorable report on Senate Bill 822. The bill seeks to promote transparency and equity in the Maryland Parole Commission.

The Maryland Parole Commission plays a critical role in the criminal legal system by making decisions that directly impact the lives of incarcerated individuals, victims, and the entire community. Greater transparency in the parole process is essential to ensure fairness, accountability, and public trust while also reducing the perception of bias or arbitrariness. Transparency also allows for meaningful oversight by the legislature. This bill aims to make transparent the decisions of the Commission so that stakeholders – including families, advocates, incarcerated individuals, and the public – are informed and empowered to participate in discussions about rehabilitation and public safety. Increased openness helps build confidence in a system grounded in justice and evidence rather than secrecy and inconsistency.

We co-sign and support the amendments proposed by the ACLU of Maryland and highlight three key components of the bill:

1. **Providing copies of documents that the commission will use in decision-making to the incarcerated individual. Page 3 – line 6**

The current parole practice and procedures require that an incarcerated individual be permitted to review their parole file 30days prior to the date of their parole hearing. However, the parole file does not include many of the documents that the Commission will factor into its decision-making. Walking into a parole hearing unaware of the information being considered by the decision-maker is unfair and puts the incarcerated individual at a grave disadvantage. An individual cannot adequately prepare for their parole hearing without access to the written and documentary evidence and information being considered.

We support the proposed amendments to HB 467, which specifically require the Maryland Parole Commission to provide copies of the case plan, the pre-parole summary, and the case manager's recommendation. We also support the proposed amendments submitted by the ACLU (see attached), requiring that the incarcerated individual be provided with a copy of any risk assessment and properly redacted statements from the SAO and the victims associated with the offense. This process promotes fairness by preventing surprises during the hearing. Ultimately, sharing these documents helps protect the incarcerated individual and upholds the integrity of the parole consideration process.

2. **Cannot deny parole indefinitely Page 5 – line 13**

The current parole regulations allow the Maryland Parole Commission to deny parole as an outright refusal. If a person is refused parole, they must wait 10 years before they are seen by the parole commission again. In many cases, the result is continued refusals. In other words, the Commission is authorized to alter a sentence ordered by the court. If the incarcerated individual is not serving a life without the possibility of parole sentence, they should be granted parole at some point during their incarceration, because only a judge can sentence a person to a life sentence without the possibility of parole.

We support the provisions of the bill that requires the commission to identify a next hearing date if parole is denied. Receiving repeated refusals of parole is akin to serving a LWOP sentence issued by an administrative body instead of the judiciary. Leaving a hearing knowing your next parole date fosters hope in an otherwise bleak existence.

3. **Inform the incarcerated individual of the decision within a specified time period. Page 6 – line 3.**

We support the proposed amendment requiring that the commission issue a final decision as soon as possible, but no later than 12 months from the date of the parole hearing. (See attached ACLU proposed amendments.) Otherwise, incarcerated individuals languish in perpetuity without any certainty regarding their future. Receiving parole decisions in a timely manner directly impacts the lives and future planning of incarcerated individuals. Prompt decisions help reduce uncertainty and anxiety for both the individual seeking parole and their families. Additionally, timely parole decisions support efficient case management within the justice system and ensure that resources are allocated effectively, contributing to overall fairness and transparency in the process.

With these amendments, we urge a favorable report on SB 822.

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HB 822 - unfavorable.pdf
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Date: February 23, 2026

Bill Number: Senate Bill 822

Position: Unfavorable

LETTER IN OPPOSITION TO SENATE BILL 822

The Maryland State's Attorney's Association (MSAA) urges an unfavorable report on SB822.

Senate Bill 822 proposes alterations to the conduct of Maryland Parole Commission (MPC)'s hearing process styled to be improvements in parole process transparency.
The bill proposes:
1) MPC shall file an Annual Report of disaggregated data on parole hearings;
2) MPC shall alter the conduct of parole hearings to:
a) return decisions within 14 days instead of 21 days;
b) record each hearing and make same recording available for inmate review;
c) issue written decisions with reasoning;
d) retain hearing records for 3 years;
e) require rehear dates in less than 2 years for sentences under 10 years, less than 3 years for sentences between 10 years and 20 years, and 3 – 5 years for sentences over 20 years or victim crimes; and
f) bar permanent denial of parole.

The Maryland Constitution Declaration of Rights Article 47 (a), provides that victims of crime shall be treated with respect and dignity by agents of the State. In 1997, the Victims Rights Act passed. The intent of this legislation was to provide certain compensation for crime victims and, most importantly, to give crime victims a voice in matters related to sentencing. It was this law that permitted victim impact statements to be considered at sentencing. In 2004, Md. Rule 4-345(e) went into effect and limits revisory power over sentences to 5 years. This Rule reflected an understanding that victims deserve finality.

As the Maryland Supreme Court observed in *Syed v. Lee*, 488 Md. 537, 605-608 (2024), "Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out." ... "To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime

alike." (internal quotation marks and citation omitted); accord, *State v. Thomas*, 488 Md. 456, 517 (2024)("… finality respects not only a criminal defendant, but also the public, and equally important, a crime victim.")

The vast majority, if not totality, of the convictions that will be impacted by this bill are for violent, victim offenses, domestically related or complex criminal enterprise offenses. It is often difficult for crime victims to understand why or how an offender will be released back into the community before serving the full sentence imposed. Not only are there approximately 14 post-trial motions that criminal offenders may file in Court, but Senate Bill 822 would force victims to come back every 2-5 years before the MPC – in addition to the potential for attending post-trial motions in court. The effect of Senate Bill 822 will be to force victims and their families to re-live the horrors of crimes endured repeatedly.

Here is what this looks like anecdotally: in one case, a rape victim died as a result of suicide rather than attend another post-trial proceeding. In another case, a crime victim's mother had to re-enroll in mental health treatment after being notified of a post-trial hearing because her murdered son had died in the arms of his brother who then committed suicide - she had effectively lost both sons as a result of the murder for which the criminal offender was sentenced and seeking a sentence reduction in court.

According to the statistical tables published by the Bureau of Justice Statistics in 2022, as revised August 29, 2025, Maryland ranks between 18th and 16th lowest imprisonment rate in the nation, see https://bjs.ojp.gov/document/p22st.pdf. Mandatory release occurs when an inmate obtains enough earned credits, such as diminution credits or work credits, to mandate a statutory release from commitment. Unlike mandatory release, parole in Maryland is an earned release based upon demonstrated institutional adjustment as determined by the Maryland Parole Commission. Crime victims and their families are re-traumatized significantly during the parole process. If enacted, Senate Bill 822 will further chip away at the finality that victims of crime deserve needlessly.

MSAA strongly urges an unfavorable report on Senate Bill 822.

SB822 ltr.pdf
Uploaded by: Kurt Wolfgang
Position: UNF

MCVRC
Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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LETTER IN OPPOSITION TO SENATE BILL 822

February 23, 2026

The Maryland Crime Victims' Resource Center (MCVRC) urges an unfavorable vote on SB 822.

Senate Bill 822 proposes many intrusive administrative requirements upon the operation of the Maryland Parole Commission that have not been shown to be warranted. This bill will strip the Commissioners of the power to establish a justifiable calendar, i.e., when next to rehear parole cases with which they are familiar. As a result, for example, disruptive inmates who regularly assault other inmates and correctional officers and exhibit no evidence of rehabilitation would have to be reconsidered on a set schedule, despite having no realistic prospect of parole. Beyond wasting the Commission's resources, this proposal unnecessarily harms and retraumatizes crime victims who would not otherwise feel compelled to attend. The victims, or victims' families are often the only participants other than the offender still available with first-hand knowledge of the trial and the crime. Moreover, the bill also inflicts unwarranted pain on the crime victims by making no parole decision final. This bill eliminates the ability of the Commission to draw the rare conclusion that there should be no ability for future parole. As the Maryland Supreme Court observed in *Syed v. Lee* "Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out. ... To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike." 488 Md. 537, 605-608 (2024) (internal quotation marks and citation omitted); accord, *State v. Thomas*, 488 Md. 456, 517 (2024)("... finality respects not only a criminal defendant, but also the public, and equally important, a crime victim.")

Needlessly retraumatizing crime victims by automatically scheduling parole hearings at times when there is no reasonable chance of parole violates crime victims' right to be treated with sensitivity and respect, guaranteed by Article 47(a) of the Maryland Declaration of Rights. *Syed, supra*. There are alternative methods of addressing any scheduling complaints by inmates. Inmates could be permitted to file a petition with the chairman of the Commission to advance their rehearing date for good cause. This showing of good cause is most appropriate considering the serious nature of the request and the trauma caused to the victims' families merely by the scheduling of a hearing.

Another concern about these new proposed requirements is that any time a parole is determined, "each commissioner's reason and justification for the vote", and each hearing examiner's report, shall include "a written report of the ... reasoning and justifications for the recommendation". Thereafter, the written report of the

commission's findings, including the reasoning and justifications, must be provided to the inmate within 14 days.

In a similar post-conviction sentence-reduction context governed by Maryland Code, Criminal Procedure Article §8-110(c), the General Assembly has recognized two articulable justifications that must be found before the Court has the authority to reduce a previously imposed sentence. These two factors are that the (1) individual is not a danger to the public and (2) that the interests of justice will be better served by a reduced sentence. Maryland's highest court has ruled that when exercising their post-sentencing discretion, "a trial court is not obligated to recount every detail of its preceding analysis, ultimately resolve every dispute of fact, or restate the weight ascribed to every factor." *Trimble v. State,* 491 Md. 378, 407, 339 A.3d 950, 967 (2025) (quoting *Bishop v. United States*, 310 A.3d 629, 648 (D.C. 2024) (emphasis added). These two resentencing justifications, i.e., danger to the public and the interests of justice, comprise all the reasoning and justification that has been required by the General Assembly in these most sensitive cases which involve resentencing of youthful offenders.

Similarly, as explained in *McLaughlin-Cox v. Maryland Parole Comm'n*, 200 Md. App. 115, 124, 24 A.3d 235, 240 (2011):

> "Parole in Maryland...is not explicitly conditioned on some particular combination of findings. This is to say that none of the factors of CS § 7–305—either independently or in some particular combination—is a *necessary or sufficient condition* of release. Instead, the factors are weighed against each other and taken as an undifferentiated but informative whole. Moreover, individual factors such as the circumstances surrounding the crime and victim impact statement give no objective direction as to how those factors should be considered, leaving commissioners with wide discretion in their ultimate determinations."(Underlining added).

As the United States Supreme Court explained in *Gall v. United States*, 552 U.S. 38, 49 (2007) when discussing the feasibility of a requirement that decisionmakers explain the weight of various sentencing factors:

> "...the mathematical approach assumes the existence of some ascertainable method of assigning percentages to various justifications. Does withdrawal from a conspiracy justify more or less than, say, a 30% reduction? Does it matter that the withdrawal occurred several years ago? Is it relevant that the withdrawal was motivated by a decision to discontinue the use of drugs and to lead a better life? What percentage, if any, should be assigned to evidence that a defendant poses no future threat to society, or to evidence that innocent third parties are dependent on him? The formula is a classic example of attempting to measure an inventory of apples by counting oranges." (Footnote omitted).

In sum, the United States Supreme Court and the Maryland Appellate Court recognize that it is not feasible to require that these discretionary release determinations shall be detailed in decisions documenting precise justifications and reasons. In law and in practice, the various factors would be continuously entwined with each other; surrounding the same two general reasons the General Assembly has previously identified for use at re-sentencings under CP 8-110. Parole release decisions involve psychological and sociological predictions, unlike mathematical problems in which there can be a mechanical summation of factors.

In short, the bill's proposed language requiring written reasoning and justifications for every determination is unfeasible and unworkable for parole commissioners, just as it has been recognized by the General Assembly and the Supreme Court of the United States as unworkable for sentencing judges. Moreover, a statutory requirement mandating individualized justifications and reasons is likely to flood the courts with petitions for judicial review or mandamus of every parole denial for abuse of discretion due to the commissioners' inability to follow these unrealistic explanatory requirements.

Another problem with the bill is that the amendment to Maryland Code, Correctional Services Article §7-303 exempts some documents from discovery by the parole applicant, but not victim impact statements. Many victims fear retaliation, particularly if they believe parole release may be granted, and they are intimidated and therefore will refuse to offer any comments in writing, which ultimately impairs the parole process. Redacting a victim's contact data is insufficient to protect crime victims since an offender can typically guess the identity of a commenter from the substance of the comment. Victims' subsequent comments to the Parole Commission, about the ongoing trauma to the victims, update that same victim's impact statements given many years before at sentencing. Therefore, inmates are not unaware of or unable to address the harm they caused the crime victims if they wish to do so. Article 47(a) of the Maryland Declaration of Rights mandates that victims be treated with "dignity, respect, and sensitivity during all phases of the criminal justice process." For that reason, the victims' contributions to the parole process need to be added as an additional category of items that, like psychological diagnoses, are withheld from disclosure to inmates.

For all these reasons, we ask for an unfavorable report on SB 822 as its added requirements are inconsistent with the resentencing considerations and evaluations as described by the Supreme Court of the United States and of Maryland, and will heap additional and repeated trauma on victims of crime in Maryland.

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SB 822_HB 467_ Correctional Services - Maryland P
Uploaded by: Trudy Tibbals
Position: UNF

SB 822/HB 467: Correctional Services - Maryland Parole Commission - Improvements in Transparency and Equity: Please vote to **OPPOSE** this bill.

Dear Judicial Proceedings Committee & Judiciary Committee:

I am writing to strongly urge you to **OPPOSE SB 822/HB 467,** *Correctional Services - Maryland Parole Commission - Improvements in Transparency and Equity.*

SB 822/HB 467 creates new mandates that would impose unnecessary administrative burdens on an already resource-strained correctional system, diverting time and funds from core functions like rehabilitation and security without clear evidence of widespread inequities in the existing framework.

Maryland's parole system already includes mechanisms for accountability and access to information; further expansions could lead to unintended consequences, such as increased workload for staff and a necessity for increased funding, ultimately harming taxpayer interests.

For these reasons, I respectfully ask you to **vote against SB 822/HB 467** and oppose measures that add excessive bureaucracy and additional funding necessities to our correctional services without proven benefits.

Thank you for your time and thoughtful consideration of my concerns with this bill.

Respectfully,

Trudy Tibbals