



PREPARE
PREpare for PARole and REentry

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

anne@prepare-parole.org
(410) 994-6136

HB0016 - Correctional Services - Maryland Parole Commission - Members and Hearing Examiners - FWA

I am a formerly incarcerated parole advocate who co-founded PREPARE while at MCIW. I have been helping others in the parole process since 2017, and PREPARE has served over 2,000 parole-eligible Marylanders with education and support in the parole and reentry process since our incorporation in 2021. I have participated in numerous collaborative workgroups since my release in 2022, including the MEJC Parole and Decarceration subcommittee and the collaboration that produced the attached recommendations. HB0016 has come a long way from where it started, but remains a work in progress. I write today with a best effort based on the information I have at this time, seeking to fully explore two of the issues and demonstrate the need to approach large systems change with an understanding of the granular processes and care for impacted people.

The role of the Hearing Examiner is a critical one, and a practical balance must be struck to funnel serious cases to the Commissioners without clogging the Commission case schedule. Our proposal recommended Commissioners hear cases with a lengthy “non-aggregated term of confinement,” and that language is crucial. Dividing at a non-aggregated term of confinement of 15 years or more would make a sentence of 15 years for Second Degree Rape a Commission case, but leave an individual with 3 consecutive 5 year sentences for theft with a Hearing Examiner. This is an effective split. If the dividing line were at a flat 15 years, including aggregated sentences, the latter case would funnel to the Commissioners, creating a backlog.

From 2023-2025 the Parole Commission was significantly understaffed, with some seats remaining unfilled for up to 2 years and the number of Commissioners dwindling from 10 to 6. During this time, the Secretary chose not to exercise her authority to temporarily appoint Hearing Examiners to the empty Commissioner seats. Commissioners hear life cases which require an en banc panel, and revocations, where a liberty interest and due process rights exist. We propose a guardrail to protect these functions - require the Secretary to appoint a Hearing Examiner to serve as Interim Commissioner. A counterproposal has been to require new Commissioner appointments within 90 days. This is an ambitious goal, but it is unenforceable and not a substitute for a guardrail. These should be combined to set a goal and place a guardrail.

PO Box 9738, Towson, MD 21284

To understand why 90 days to a Commissioner appointment is such a formidable goal it is important to envision the full process. In 2025 the job posting for a Parole Commissioner ran from 2/13 to 3/6, and there is additional administrative time to write and post the listing. Then the HB0016 panel must be convened, a thorough review of the candidates must be conducted through CVs and interviews, and the panel must discuss them and vote to narrow the field to three candidates. Next, the Governor and the Senate must conduct their own research and select the appointee. At that point, the appointee must be notified and then undergo the State's onboarding process followed by months of job-specific training before they are able to hear their first case. This is why the process takes over a year.

I am uncertain whether the appointment of a new Parole Commissioner could ever take just 90 days. The month-long job posting, need for background checks and thorough interviews, and months of job training required lead me to believe that it could not be safely reduced to this timeframe, though I appreciate the optimism and drive for excellence that led to this recommendation. This is why the guardrail is critical. If Maryland is someday able to achieve the goal of 90 day appointments, then the Interim Commissioner returns to their job as a Hearing Examiner at 90 days, however, if any of the aforementioned process concerns are realized, Maryland's parole process is preserved by the Interim Commissioner as we work to become more efficient. Without this guardrail in place, Commissioner vacancies will pile up again, and it is incarcerated individuals who will suffer - lifers will stall at the end of the process if an en banc panel cannot be convened and people awaiting revocation hearings for technical violations who legally should not face more than a 15 day sanction will sit in prison for months awaiting hearings while they lose their jobs and homes in the community.

HB0016 seeks to make sweeping changes to several parts of the parole system in a single action, including some very positive changes such as updates to the en banc hearing process and inclusion of impacted voices on the hiring panel. While I am excited about these possibilities, HB0016 still carries with it the risk of significant harm by failing to account for administrative timelines and processes. As it stands, the harm still outweighs the good, however as I have detailed here, these harms could easily be mitigated through relatively minor adjustments. I am hopeful that these few remaining issues can be resolved by amendment and HB0016 can move forward in a way that creates lasting and positive change.

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.