



Testimony for the House Judiciary Committee

March 3, 2026

HB 467 – Correctional Services - Maryland Parole Commission - Improvements in Transparency and Equity

FAVORABLE WITH AMENDMENTS

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The ACLU of Maryland and the Center for Criminal Justice Reform at the University of Baltimore School of Law support HB 467 with the amendments outlined in the attached proposal. With these changes and those currently offered in Amendment No. 243121/1, 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 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 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.

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 HB 467 if amended.

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.