

HOUSE BILL 1480

E4, E2

0lr3194

By: **Delegates Anderson and Crutchfield**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Elder Parole**

3 FOR the purpose of authorizing the release of a certain elder inmate on parole at any time
4 during the term of the inmate's sentence, without regard to certain factors;
5 establishing a means of initiating a request for parole with the Maryland Parole
6 Commission under this Act; requiring the Commission to provide certain notice to a
7 certain inmate under certain circumstances; requiring the Commission to conduct a
8 certain hearing under certain circumstances; establishing a rebuttable presumption
9 that a certain inmate is suitable for parole; providing that a certain presumption
10 may be rebutted in a certain manner; providing for the applicability of provisions of
11 law concerning victim notification and participation in parole proceedings conducted
12 under this Act; requiring the Commission to adopt certain regulations to implement
13 provisions of this Act; defining a certain term; and generally relating to elder parole.

14 BY repealing and reenacting, without amendments,
15 Article – Correctional Services
16 Section 7–305
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Correctional Services
21 Section 7–310
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2019 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-305.

Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

(1) the circumstances surrounding the crime;

(2) the physical, mental, and moral qualifications of the inmate;

(3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22-102 of the Education Article;

(4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;

(5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;

(6) whether release of the inmate on parole is compatible with the welfare of society;

(7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;

(8) any recommendation made by the sentencing judge at the time of sentencing;

(9) any information that is presented to a commissioner at a meeting with the victim;

(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; and

(11) compliance with the case plan developed under § 7-301.1 of this subtitle or § 3-601 of this article.

7-310.

(A) IN THIS SECTION, "ELDER INMATE" MEANS AN INMATE WHO IS AT LEAST 60 YEARS OLD WHO HAS NOT BEEN SENTENCED TO LIFE IMPRISONMENT OR IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(B) AN ELDER INMATE MAY BE RELEASED ON PAROLE AT ANY TIME DURING

1 THE TERM OF THE INMATE'S SENTENCE, WITHOUT REGARD TO THE ELIGIBILITY
2 STANDARDS SPECIFIED IN § 7-301 OF THIS SUBTITLE.

3 (C) A REQUEST FOR PAROLE UNDER THIS SECTION SHALL BE IN WRITING
4 AND MAY BE FILED WITH THE MARYLAND PAROLE COMMISSION BY:

5 (1) THE INMATE SEEKING PAROLE UNDER THIS SECTION; OR

6 (2) AN ATTORNEY.

7 (D) FOLLOWING REVIEW OF THE REQUEST, THE COMMISSION SHALL:

8 (1) PROVIDE NOTICE TO THE INMATE IN THE MANNER PROVIDED IN §
9 7-303 OF THIS SUBTITLE; AND

10 (2) CONDUCT A HEARING TO DETERMINE IF THE INMATE IS SUITABLE
11 FOR PAROLE IN THE MANNER PROVIDED IN § 7-307 OF THIS SUBTITLE.

12 (E) (1) THERE IS A REBUTTABLE PRESUMPTION THAT AN ELDER INMATE
13 IS SUITABLE FOR PAROLE.

14 (2) THE PRESUMPTION MAY BE REBUTTED BY A DETERMINATION BY
15 A COMMISSION PANEL THAT A FACTOR OR FACTORS CONSIDERED UNDER § 7-305
16 OF THIS SUBTITLE MAKE THE INMATE UNSUITABLE FOR PAROLE.

17 (F) THE PROVISIONS OF LAW RELATING TO VICTIM NOTIFICATION AND
18 OPPORTUNITY TO BE HEARD APPLY TO PROCEEDINGS UNDER THIS SECTION.

19 (G) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE
20 PROVISIONS OF THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2020.