

(i) parole.

Certificates of Rehabilitation – CS Art., §7-104

(2) has completed all special and general conditions of supervision, including paying all required restitution, fines, fees, and other payment obligations; and

(3) is no longer under the jurisdiction of the Department.

7-104.

(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION TO AN INDIVIDUAL WHO:

(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:

(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;

(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION UNDER CONDITIONS OF:

(I) PAROLE;

(II) PROBATION; OR

(III) MANDATORY RELEASE SUPERVISION;

(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER PAYMENT OBLIGATIONS; AND

(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF PAROLE AND PROBATION.

(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF NONVIOLENT EX-OFFENDERS AND REMOVE BARRIERS TO THEIR ABILITY TO DEMONSTRATE FITNESS FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS REQUIRED BY THE STATE.

1 (C) A LICENSING BOARD MAY NOT DENY AN OCCUPATIONAL LICENSE OR
2 CERTIFICATE TO AN APPLICANT WHO HAS BEEN ISSUED A CERTIFICATE OF
3 REHABILITATION SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY
4 BEEN CONVICTED OF THE CRIME THAT IS THE SUBJECT OF THE CERTIFICATE OF
5 REHABILITATION, UNLESS THE LICENSING BOARD DETERMINES THAT:

6 (1) THERE IS A DIRECT RELATIONSHIP BETWEEN THE APPLICANT'S
7 PREVIOUS CONVICTION AND THE SPECIFIC OCCUPATIONAL LICENSE OR
8 CERTIFICATE SOUGHT; OR

9 (2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD INVOLVE
10 AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC
11 INDIVIDUALS OR THE GENERAL PUBLIC.

12 (D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS
13 SECTION, THE LICENSING BOARD SHALL CONSIDER:

14 (1) THE POLICY OF THE STATE EXPRESSED IN SUBSECTION (B) OF
15 THIS SECTION;

16 (2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A
17 LICENSEE OR CERTIFICATE HOLDER;

18 (3) WHETHER THE APPLICANT'S PREVIOUS CONVICTION HAS ANY
19 IMPACT ON THE APPLICANT'S FITNESS OR ABILITY TO PERFORM THE DUTIES AND
20 RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;

21 (4) THE AGE OF THE APPLICANT AT THE TIME OF THE CONVICTION
22 AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE CONVICTION;

23 (5) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE APPLICANT
24 WAS CONVICTED;

25 (6) OTHER INFORMATION PROVIDED BY THE APPLICANT OR ON THE
26 APPLICANT'S BEHALF WITH REGARD TO THE APPLICANT'S REHABILITATION AND
27 GOOD CONDUCT; AND

28 (7) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN PROTECTING
29 PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC INDIVIDUALS OR THE
30 GENERAL PUBLIC.

31 (E) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF
32 REHABILITATION PER LIFETIME.

1 **(F) THE COURT OF APPEALS IS NOT A LICENSING BOARD FOR PURPOSES OF**
2 **THIS SECTION.**

3 **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN**
4 **APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT**
5 **ALLOWS THE STATE'S ATTORNEY AND THE VICTIM TO OBJECT TO THE ISSUANCE OF**
6 **THE CERTIFICATE OF REHABILITATION.**

7 7-205.

8 **(a) The Commission has the exclusive power to:**

9 **(1) authorize the parole of an individual sentenced under the laws of the**
10 **State to any correctional facility in the State;**

11 **(2) negotiate, enter into, and sign predetermined parole release agreements**
12 **as provided under subsection (b) of this section;**

13 **(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:**

14 **(i) the Commissioner of Correction, after reviewing the**
15 **recommendation of the appropriate managing official, objects to a parole;**

16 **(ii) the inmate was convicted of a homicide;**

17 **(iii) the inmate is serving a sentence of life imprisonment; [or]**

18 **(iv) the parole hearing is open to the public under § 7-304 of this title;**

19 **(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE**
20 **ADMINISTRATIVE RELEASE PROCESS ESTABLISHED UNDER § 7-301.1 OF THIS TITLE;**

21 **(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER §**
22 **7-301.1 OF THIS TITLE; OR**

23 **(VII) THE COMMISSION FINDS THAT A HEARING FOR**
24 **ADMINISTRATIVE RELEASE IS NECESSARY UNDER § 7-301.1 OF THIS TITLE;**

25 **(4) hear exceptions to recommendations of a hearing examiner or a**
26 **commissioner acting as a hearing examiner;**

27 **(5) review summarily all recommendations of a hearing examiner or a**
28 **commissioner acting as a hearing examiner to which an exception has not been filed;**