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4 **Medical Parole for Certain Debilitated Or Incapacitated Inmates – CS Art., § 7-309**

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

11 (7) an updated victim impact statement or recommendation prepared under
12 § 7-801 of this title;

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

15 (9) any information that is presented to a commissioner at a meeting with
16 the victim; [and]

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

19 **(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1**
20 **OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

21 **7-309.**

22 (a) This section applies to any inmate who is sentenced to a term of incarceration
23 for which all sentences being served, including any life sentence, are with the possibility of
24 parole.

25 (b) An inmate who is so **CHRONICALLY** debilitated or incapacitated by a medical
26 or mental health condition, disease, or syndrome as to be physically incapable of presenting
27 a danger to society may be released on medical parole at any time during the term of that
28 inmate’s sentence, without regard to the eligibility standards specified in § 7-301 of this
29 subtitle.

30 (c) (1) A request for a medical parole under this section may be filed with the
31 Maryland Parole Commission by:

32 (i) the inmate seeking the medical parole;

1 (ii) an attorney;

2 (iii) a prison official or employee;

3 (iv) a medical professional;

4 (v) a family member; or

5 (vi) any other person.

6 (2) The request shall be in writing and shall articulate the grounds that
7 support the appropriateness of granting the medical parole.

8 (d) Following review of the request, the Commission may:

9 (1) find the request to be inconsistent with the best interests of public safety
10 and take no further action; or

11 (2) request that department or local correctional facility personnel provide
12 information for formal consideration of parole release.

13 (e) The information to be considered by the Commission before granting medical
14 parole shall, at a minimum, include:

15 (1) **(I) A RECOMMENDATION BY THE MEDICAL PROFESSIONAL**
16 **TREATING THE INMATE UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL**
17 **CORRECTIONAL FACILITY; OR**

18 **(II) IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN**
19 **SUBSECTION (C)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT**
20 **NO COST TO THE INMATE BY A MEDICAL PROFESSIONAL WHO IS INDEPENDENT FROM**
21 **THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY;**

22 **[(1)] (2) the inmate's medical information, including:**

23 (i) a description of the inmate's condition, disease, or syndrome;

24 (ii) a prognosis concerning the likelihood of recovery from the
25 condition, disease, or syndrome;

26 (iii) a description of the inmate's physical incapacity and score on the
27 Karnofsky Performance Scale Index or similar classification of physical impairment; and

28 (iv) a mental health evaluation, where relevant;

29 **[(2)] (3) discharge information, including:**

- 1 (i) availability of treatment or professional services within the
2 community;
- 3 (ii) family support within the community; and
- 4 (iii) housing availability, including hospital or hospice care; and
- 5 ~~[(3)]~~ (4) case management information, including:
- 6 (i) the circumstances of the current offense;
- 7 (ii) institutional history;
- 8 (iii) pending charges, sentences and other jurisdictions, and any other
9 detainers; and
- 10 (iv) criminal history information.
- 11 (f) The Commission may require as a condition of release on medical parole that:
- 12 (1) the parolee agree to placement for a definite or indefinite period of time
13 in a hospital or hospice or other housing accommodation suitable to the parolee's medical
14 condition, including the family home of the parolee, as specified by the Commission or the
15 supervising agent; and
- 16 (2) the parolee forward authentic copies of applicable medical records to
17 indicate that the particular medical condition giving rise to the release continues to exist.
- 18 (g) (1) If the Commission has reason to believe that a parolee is no longer so
19 debilitated or incapacitated as to be physically incapable of presenting a danger to society,
20 the parolee shall be returned to the custody of the Division of Correction or the local
21 correctional facility from which the inmate was released.
- 22 (2) (i) A parole hearing for a parolee returned to custody shall be held to
23 consider whether the parolee remains incapacitated and shall be heard promptly.
- 24 (ii) A parolee returned to custody under this subsection shall be
25 maintained in custody, if the incapacitation is found to no longer exist.
- 26 (3) An inmate whose medical parole is revoked for lack of continued
27 incapacitation may be considered for parole in accordance with the eligibility requirements
28 specified in § 7-301 of this subtitle.
- 29 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to
30 victim notification and opportunity to be heard shall apply to proceedings relating to
31 medical parole.

1 (2) In cases of imminent death, time limits relating to victim notification
2 and opportunity to be heard may be REDUCED OR waived in the discretion of the
3 Commission.

4 (i) [Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this
5 section for a person serving a life sentence shall require the approval of the Governor]

6 (1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN
7 INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE
8 TRANSMITTED TO THE GOVERNOR.

9 (2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN
10 TRANSMITTAL TO THE COMMISSION.

11 (3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN
12 180 DAYS AFTER RECEIPT OF THE WRITTEN TRANSMITTAL, THE DECISION BECOMES
13 EFFECTIVE.

14 (j) The Commission shall issue regulations to implement the provisions of this
15 section.

16 7-401.

17 (a) If a parolee is alleged to have violated a condition of parole, one commissioner
18 shall hear the case on revocation of the parole at the time and place that the Commission
19 designates.

20 (b) (1) Each individual charged with a parole violation is entitled to be
21 represented by counsel of the individual's choice or, if eligible, counsel provided by the Public
22 Defender's office.

23 (2) The Commission shall keep a record of the hearing.

24 (c) If the commissioner finds from the evidence that the parolee has violated a
25 condition of parole, the commissioner may take any action that the commissioner considers
26 appropriate, including:

27 (1) (i) SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION, revoking
28 the order of parole;

29 (ii) setting a future hearing date for consideration for reparole; and

30 (iii) remanding the individual to the Division of Correction or local
31 correctional facility from which the individual was paroled; or