

(3) *An inmate may be released on parole at any time in order to undergo*

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“Administrative Release” to Parole for Certain “Low Risk” Inmates – CS Art., §7-301.1

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(iii) *has been determined to be amenable to treatment.*

(4) *The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.*

(E) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A THIRD OR SUBSEQUENT CONVICTION OF A FELONY VIOLATION OF TITLE 5, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER OCTOBER 1, 2017, IS NOT ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED IN CONFINEMENT ONE-HALF OF THE INMATE’S AGGREGATE SENTENCE.

7-301.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADMINISTRATIVE RELEASE” MEANS RELEASE OF AN ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE’S SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

(3) “ELIGIBLE INMATE” MEANS AN INMATE WHO:

(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;

(II) IS SERVING A SENTENCE FOR WHICH THE MOST SERIOUS OFFENSE IS:

1. A VIOLATION OF §§ 5-601 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; OR

1 2. A VIOLATION INVOLVING A VALUE OF \$1,500 OR LESS
2 OF § 7-104, § 8-103, § 8-206, § 8-207, § 8-209, § 8-301, § 8-509, § 8-510, § 8-511, §
3 8-512, § 8-513, § 8-514, § 8-515, § 8-611, OR § 8-801 OF THE CRIMINAL LAW
4 ARTICLE;

5 (III) DOES NOT HAVE A PRIOR CONVICTION FOR:

6 1. A VIOLENT CRIME; OR

7 2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS
8 REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;

9 (IV) DOES NOT HAVE TWO OR MORE CONVICTIONS FOR A
10 VIOLATION OF §§ 5-602 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; AND

11 (V) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT
12 THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY
13 PORTION OF THE SENTENCE.

14 (4) “VICTIM” MEANS:

15 (I) A PERSON WHO IS THE VICTIM OF A CRIME COMMITTED BY
16 AN ELIGIBLE INMATE; OR

17 (II) IF THE PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH
18 IS DECEASED, DISABLED, OR A MINOR, A DESIGNATED FAMILY MEMBER, GUARDIAN
19 AD LITEM, OR OTHER REPRESENTATIVE OF THE PERSON.

20 (B) (1) FOR AN INMATE IN A CORRECTIONAL FACILITY, THE COMMISSION
21 SHALL:

22 (I) CONDUCT AN INVESTIGATION TO DETERMINE THE INMATE’S
23 ELIGIBILITY FOR ADMINISTRATIVE RELEASE;

24 (II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE
25 INMATE MAY BE RELEASED AFTER HAVING SERVED ONE-FOURTH OF THE INMATE’S
26 TERM OF CONFINEMENT; AND

27 (III) CALCULATE A TENTATIVE RELEASE ELIGIBILITY DATE FOR
28 AN ELIGIBLE INMATE.

29 (2) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE COMMISSION WITHIN
31 60 DAYS OF COMMITMENT.

1 (C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE
2 COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,
3 SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER
4 SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN WITH
5 WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON
6 ADMINISTRATIVE RELEASE.

7 (D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION
8 (C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS
9 THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S
10 ADMINISTRATIVE RELEASE DATE.

11 (2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT
12 APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE RELEASE.

13 (E) (1) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL
14 FACILITY SHALL:

15 (I) REVIEW THE PROGRESS OF AN ELIGIBLE INMATE'S CASE
16 PLAN EVERY 8 WEEKS FROM THE DATE THE CASE PLAN WAS DEVELOPED;

17 (II) SEND A PROGRESS REPORT ON EACH ELIGIBLE INMATE'S
18 CASE PLAN TO THE COMMISSION EVERY 4 MONTHS; AND

19 (III) SEND A PROGRESS REPORT TO THE COMMISSION OF AN
20 ELIGIBLE INMATE'S COMPLIANCE OR NONCOMPLIANCE WITH THE CASE PLAN AT
21 LEAST 30 DAYS BEFORE THE INMATE'S TENTATIVE ADMINISTRATIVE RELEASE
22 ELIGIBILITY DATE.

23 (2) THE COMMISSION MAY PROVIDE WRITTEN INPUT ON THE
24 ELIGIBLE INMATE'S PROGRESS TOWARD COMPLETION OF THE CASE PLAN.

25 (F) (1) NOTWITHSTANDING THE LIMITATIONS ON WHO IS CONSIDERED A
26 VICTIM IN § 7-801 OF THIS TITLE, FOR PURPOSES OF THIS SECTION, A VICTIM HAS
27 ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS
28 TITLE FOR A PAROLE HEARING.

29 (2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL
30 NOTIFY A VICTIM OF:

31 (I) THE ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE
32 ELIGIBILITY DATE;

1 (II) THE VICTIM'S RIGHT TO REQUEST AN OPEN HEARING UNDER
2 § 7-304 OF THIS SUBTITLE; AND

3 (III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY
4 CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.

5 (G) THE COMMISSION SHALL AUTHORIZE THE RELEASE OF AN ELIGIBLE
6 INMATE ON ADMINISTRATIVE RELEASE, WITHOUT A HEARING BEFORE THE
7 COMMISSION, AT THE INMATE'S RELEASE ELIGIBILITY DATE IF:

8 (1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED
9 UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;

10 (2) THE INMATE HAS NOT COMMITTED A CATEGORY 1 RULE
11 VIOLATION, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS;

12 (3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION
13 (F) OF THIS SECTION; AND

14 (4) THE COMMISSION FINDS A HEARING UNNECESSARY CONSIDERING
15 THE INMATE'S HISTORY, PROGRESS, AND COMPLIANCE.

16 (H) AN INDIVIDUAL ON ADMINISTRATIVE RELEASE IS SUBJECT TO:

17 (1) THE JURISDICTION OF THE COMMISSION IN THE SAME MANNER AS
18 A PAROLEE; AND

19 (2) ALL LAWS AND CONDITIONS THAT APPLY TO PAROLEES.

20 (I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE
21 RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR RELEASE AS PROVIDED
22 UNDER THIS SUBTITLE.

23 7-305.

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

27 (1) the circumstances surrounding the crime;

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