

1 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN**
2 **APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT**
3 **ALLOWS THE SENTENCING JUDGE, THE STATE’S ATTORNEY, AND THE VICTIM TO**
4 **OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.**

5 **7–205.**

6 (a) The Commission has the exclusive power to:

7 (1) authorize the parole of an individual sentenced under the laws of the
8 State to any correctional facility in the State;

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

11 (3) hear cases for parole in which:

12 (i) the Commissioner of Correction, after reviewing the
13 recommendation of the appropriate managing official, objects to a parole;

14 (ii) the inmate was convicted of a homicide;

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

16 (iv) the parole hearing is open to the public under § 7–304 of this title;

17 **(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE**
18 **ADMINISTRATIVE PAROLE PROCESS ESTABLISHED UNDER § 7–301.1 OF THIS TITLE;**
19 **OR**

20 **(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER §**
21 **7–301.1 OF THIS TITLE;**

22 (4) hear exceptions to recommendations of a hearing examiner or a
23 commissioner acting as a hearing examiner;

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

26 (6) hear a case for parole in absentia when an individual who was
27 sentenced in this State to serve a term of imprisonment is in a correctional facility of a
28 jurisdiction other than this State;

29 (7) hear cases of parole revocation; [and]

1 (8) if delegated by the Governor, hear cases involving an alleged violation
2 of a conditional pardon; AND

3 (9) DETERMINE CONDITIONS FOR ADMINISTRATIVE PAROLE UNDER §
4 7-301.1 OF THIS TITLE.

5 (b) (1) (i) The Commission may negotiate, enter into, and sign a
6 predetermined parole release agreement with the Commissioner of Correction and an
7 inmate under the jurisdiction of the Commission.

8 (ii) The agreement may provide for the release of the inmate on
9 parole at a predetermined time if, during the inmate's term of confinement, the inmate
10 participates in the programs designated by the Commission and fulfills any other
11 conditions specified in the agreement.

12 (2) This subsection does not affect any diminution of an inmate's term of
13 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR
14 AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE UNDER § 7-301.1 OF THIS
15 TITLE.

16 7-301.

17 (a) (1) Except as otherwise provided in this section, the Commission shall
18 request that the Division of Parole and Probation make an investigation for inmates in a
19 local correctional facility and the Division of Correction make an investigation for inmates
20 in a State correctional facility that will enable the Commission to determine the
21 advisability of granting parole to an inmate who:

22 (i) has been sentenced under the laws of the State to serve a term
23 of 6 months or more in a correctional facility; and

24 (ii) has served in confinement one-fourth of the inmate's aggregate
25 sentence.

26 (2) Except as provided in paragraph (3) of this subsection, or as otherwise
27 provided by law or in a predetermined parole release agreement, an inmate is not eligible
28 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate
29 sentence.

30 (3) An inmate may be released on parole at any time in order to undergo
31 drug or alcohol treatment, mental health treatment, or to participate in a residential
32 program of treatment in the best interest of an inmate's expected or newborn child if the
33 inmate:

34 (i) is not serving a sentence for a crime of violence, as defined in §
35 14-101 of the Criminal Law Article;

1 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
2 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal
3 Law Article; and

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

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

8 **7-301.1.**

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

11 (2) "ADMINISTRATIVE PAROLE" MEANS RELEASE TO PAROLE OF AN
12 ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S SENTENCE AND
13 MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

14 (3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:

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

17 (II) IS NOT SERVING A SENTENCE FOR:

18 1. A VIOLENT CRIME; OR

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

22 (III) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT
23 THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY
24 PORTION OF THE SENTENCE.

25 (B) (1) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE
26 COMMISSION SHALL REQUEST THAT THE DIVISION OF PAROLE AND PROBATION
27 CONDUCT AN INVESTIGATION TO:

28 (I) DETERMINE THE INMATE'S ELIGIBILITY FOR
29 ADMINISTRATIVE PAROLE;

1 **(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE**
2 **INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE-FOURTH OF**
3 **THE INMATE'S TERM OF CONFINEMENT; AND**

4 **(III) CALCULATE A TENTATIVE PAROLE ELIGIBILITY DATE FOR**
5 **AN ELIGIBLE INMATE.**

6 **(2) THE COMMISSION SHALL REQUEST THAT FOR AN INMATE IN A**
7 **STATE CORRECTIONAL FACILITY, THE DIVISION OF CORRECTION CONDUCT AN**
8 **INVESTIGATION TO:**

9 **(I) DETERMINE THE INMATE'S ELIGIBILITY FOR**
10 **ADMINISTRATIVE PAROLE;**

11 **(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE**
12 **INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE-FOURTH OF**
13 **THE INMATE'S TERM OF CONFINEMENT; AND**

14 **(III) CALCULATE A TENTATIVE PAROLE ELIGIBILITY DATE FOR**
15 **AN ELIGIBLE INMATE.**

16 **(3) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPHS (1) AND**
17 **(2) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE**
18 **COMMISSION WITHIN 60 DAYS OF COMMITMENT.**

19 **(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE**
20 **COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,**
21 **SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER**
22 **SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN**
23 **WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON**
24 **ADMINISTRATIVE PAROLE.**

25 **(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION**
26 **(C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS**
27 **THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S**
28 **ADMINISTRATIVE PAROLE DATE.**

29 **(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT**
30 **APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE PAROLE.**

31 **(E) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL**
32 **NOTIFY A VICTIM OF:**

1 **(1) THE ELIGIBLE INMATE'S ADMINISTRATIVE PAROLE ELIGIBILITY**
2 **DATE;**

3 **(2) THE VICTIM'S RIGHT TO REQUEST AN OPEN PAROLE HEARING**
4 **UNDER § 7-304 OF THIS SUBTITLE; AND**

5 **(3) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY**
6 **CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.**

7 **(F) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE**
8 **PAROLE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE INMATE'S PAROLE**
9 **ELIGIBILITY DATE IF:**

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

12 **(2) THE INMATE HAS NOT COMMITTED A SERIOUS RULE VIOLATION**
13 **WITHIN 30 DAYS OF THE INMATE'S PAROLE ELIGIBILITY DATE; AND**

14 **(3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION**
15 **(E) OF THIS SECTION.**

16 **(G) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL**
17 **FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE**
18 **OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE**
19 **INMATE'S TENTATIVE PAROLE ELIGIBILITY DATE.**

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

23 7-305.

24 Each hearing examiner and commissioner determining whether an inmate is
25 suitable 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;

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

Links

The text above is extracted from the original HB1312 dated 2/13/2016.

To return to the page that sent you here, just close this window.

To see the current text of this legislation go to:

<http://mgaleg.maryland.gov/2016RS/bills/hb/hb1312f.pdf> or

<http://mgaleg.maryland.gov/2016RS/bills/sb/sb1005f.pdf>

To view the Maryland Alliance for Justice Reform summary page go to:

<http://www.ma4jr.org/jra-summary/>

To view the Maryland Alliance for Justice Reform's index to the JRA:

<http://www.ma4jr.org/jra-index/>

To see the legislative initiatives of the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/initiatives/>

To get further information about the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/>

Maryland Alliance for Justice Reform (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR's viewpoint, its many important reforms could reduce Maryland's prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state's crime rate also could be reduced, taxpayer funds could be saved, while communities and families are strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.