

# SENATE BILL 33

E5  
SB 774/22 – JPR

(PRE-FILED)

3lr1005  
CF HB 47

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By: **Senator Carter**

Requested: November 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – ~~Medical~~ Parole – Life Imprisonment**

3 FOR the purpose of repealing provisions relating to gubernatorial approval of a decision of  
4 the Maryland Parole Commission to grant ~~medical~~ parole to an inmate serving a  
5 term of life imprisonment; and generally relating to ~~medical~~ parole.

6 BY repealing and reenacting, with amendments,  
7 Article – Correctional Services  
8 Section 7–206 and 7–309  
9 Annotated Code of Maryland  
10 (2017 Replacement Volume and 2022 Supplement)

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

13 **Article – Correctional Services**

14 7–206.

15 The Commission shall:

16 (1) evaluate information on the activities of parolees that the Division of  
17 Parole and Probation reports;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2) issue warrants or delegate to the Director of the Division of Parole and  
2 Probation the authority to issue warrants to retake parolees who are charged with violating  
3 a condition of parole;

4           (3) **IF REQUESTED BY THE GOVERNOR,** review and make  
5 recommendations to the Governor[:

6                   (i) concerning parole of an inmate under a sentence of life  
7 imprisonment; and

8                   (ii) if requested by the Governor,] concerning a pardon, commutation  
9 of sentence, or other clemency;

10           (4) establish and modify general policy governing the conduct of parolees;  
11 and

12           (5) arrange for psychiatric or psychological examination of applicants for  
13 parole whenever the Commission believes that an examination will better enable it to  
14 decide on the advisability of parole, and include the expense for the examination in its  
15 annual budget.

16 7–309.

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

20           (b) An inmate who is so chronically debilitated or incapacitated by a medical or  
21 mental health condition, disease, or syndrome as to be physically incapable of presenting a  
22 danger to society may be released on medical parole at any time during the term of that  
23 inmate's sentence, without regard to the eligibility standards specified in § 7–301 of this  
24 subtitle.

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

27                   (i) the inmate seeking the medical parole;

28                   (ii) an attorney;

29                   (iii) a prison official or employee;

30                   (iv) a medical professional;

31                   (v) a family member; or

32                   (vi) any other person.

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

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

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

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

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

10               (1)    (i)    a recommendation by the medical professional treating the  
11 inmate under contract with the Department or local correctional facility; or

12                       (ii)    if requested by an individual identified in subsection (c)(1) of this  
13 section, one medical evaluation conducted at no cost to the inmate by a medical professional  
14 who is independent from the Division of Correction or local correctional facility;

15               (2)    the inmate's medical information, including:

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

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

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

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

22               (3)    discharge information, including:

23                       (i)    availability of treatment or professional services within the  
24 community;

25                       (ii)   family support within the community; and

26                       (iii)   housing availability, including hospital or hospice care; and

27               (4)    case management information, including:

28                       (i)    the circumstances of the current offense;

- 1 (ii) institutional history;
- 2 (iii) pending charges, sentences in other jurisdictions, and any other  
3 detainers; and
- 4 (iv) criminal history information.

5 (f) The Commission may require as a condition of release on medical parole that:

6 (1) the parolee agree to placement for a definite or indefinite period of time  
7 in a hospital or hospice or other housing accommodation suitable to the parolee's medical  
8 condition, including the family home of the parolee, as specified by the Commission or the  
9 supervising agent; and

10 (2) the parolee forward authentic copies of applicable medical records to  
11 indicate that the particular medical condition giving rise to the release continues to exist.

12 (g) (1) If the Commission has reason to believe that a parolee is no longer so  
13 debilitated or incapacitated as to be physically incapable of presenting a danger to society,  
14 the parolee shall be returned to the custody of the Division of Correction or the local  
15 correctional facility from which the inmate was released.

16 (2) (i) A parole hearing for a parolee returned to custody shall be held  
17 to consider whether the parolee remains incapacitated and shall be heard promptly.

18 (ii) A parolee returned to custody under this subsection shall be  
19 maintained in custody, if the incapacitation is found to no longer exist.

20 (3) An inmate whose medical parole is revoked for lack of continued  
21 incapacitation may be considered for parole in accordance with the eligibility requirements  
22 specified in § 7-301 of this subtitle.

23 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to  
24 victim notification and opportunity to be heard shall apply to proceedings relating to  
25 medical parole.

26 (2) In cases of imminent death, time limits relating to victim notification  
27 and opportunity to be heard may be reduced or waived in the discretion of the Commission.

28 [(i) (1) If the Commission decides to grant medical parole to an inmate  
29 sentenced to life imprisonment, the decision shall be transmitted to the Governor.

30 (2) The Governor may disapprove the decision by written transmittal to  
31 the Commission.

32 (3) If the Governor does not disapprove the decision within 180 days after  
33 receipt of the written transmittal, the decision becomes effective.]

1            **[(j)] (I)**            The Commission shall issue regulations to implement the provisions of  
2 this section.

3            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.