

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 16
 Judiciary

(Delegate Phillips, *et al.*)

Judicial Proceedings

Correctional Services - Maryland Parole Commission - Members and Hearing
 Examiners

This bill alters provisions governing the nomination and appointment of parole commissioners and the appointment of hearing examiners to the Maryland Parole Commission (MPC). In addition, the bill expands the exclusive power of the commission to include hearing cases for parole or administrative release in which the incarcerated individual is serving a sentence of *not less than 15 years confinement for a single conviction* (instead of a sentence of *life imprisonment*, as under current law). Further, the bill requires the affirmative vote of a majority of the commissioners appointed to MPC, instead of at least six affirmative votes, to approve the parole of an incarcerated individual sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2021.

Fiscal Summary

State Effect: General fund expenditures increase by \$119,400 in FY 2027. Future years reflect annualization, inflation, and ongoing costs. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	119,400	136,300	142,900	149,500	156,000
Net Effect	(\$119,400)	(\$136,300)	(\$142,900)	(\$149,500)	(\$156,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government finances are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary:

Nomination and Appointment of Commissioners: The bill requires the Governor to appoint MPC members from among nominees chosen by a panel consisting of specified individuals. The panel must submit to the Governor the names of at least three qualified nominees for each commissioner vacancy to be filled. The requirement for nomination by the panel applies only to an initial term as commissioner and not to any subsequent consecutive term of a sitting commissioner whose initial appointment to office was made pursuant to panel nomination.

Appointment of Hearing Examiners: The bill authorizes the Secretary of Public Safety and Correctional Services to appoint a hearing examiner to MPC to perform the duties of a commissioner if there is a vacancy on the commission; however, a new commissioner must be appointed within 90 days after a vacancy. A hearing examiner appointed to fill a vacancy under this authority or appointed when a commissioner is unable to perform the commissioner's duties because of sickness, incapacity, or disqualification (under existing authority) may not serve for more than 90 days.

With respect to the appointment of hearing examiners necessary to conduct parole release hearings that are not required to be heard by MPC, the bill prohibits more than 30 percent of hearing examiners having been previously employed in the fields of correctional services or law enforcement; however, the Secretary may not terminate a hearing examiner employed on October 1, 2026, in order to reach this threshold.

The bill repeals the requirement for each hearing examiner to have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology and instead requires each hearing examiner to (1) hold an undergraduate or advanced degree in psychology, psychiatry, social work, education, or community organizing or have attained the equivalent of those degrees through training or experience and (2) have training and experience in one of the listed fields or in law or criminology.

Current Law:

Parole – Generally: Parole is a discretionary and conditional release from imprisonment determined after a hearing for an incarcerated individual who is eligible to be considered for parole. If parole is granted, the incarcerated individual is allowed to serve the remainder of the sentence in the community, subject to the terms and conditions specified in a written parole order.

MPC has jurisdiction regarding parole for eligible incarcerated individuals sentenced to State correctional facilities and local detention centers. Incarcerated individuals in the

Patuxent Institution who are eligible for parole are under the jurisdiction of the Patuxent Board of Review.

Maryland Parole Commission: MPC is composed of 10 commissioners who are appointed for six-year terms by the Secretary of Public Safety and Correctional Services, with the approval of the Governor and the advice and consent of the Senate. Each commissioner must be appointed without regard to political affiliation, be a resident of the State, and have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology. Each commissioner must devote full time to the duties of MPC and may not have any other employment that conflicts with such devotion. The Secretary, with the approval of the Governor, also appoints the chairperson of the commission from among its members.

If a commissioner is unable to perform the commissioner's duties because of sickness, incapacity, or disqualification, the Secretary may appoint a hearing examiner to MPC to perform those duties until the commissioner is able to resume those duties or until a new commissioner is appointed and qualifies. When appointed to perform the duties of a commissioner pursuant to this authority, the hearing examiner is entitled to the same compensation as a commissioner. A hearing examiner appointed to perform the duties of a commissioner under this authority may not participate in a proceeding before the parole commission in which the hearing examiner participated as a hearing examiner.

The Secretary may also appoint the hearing examiners necessary to conduct parole release hearings that are not required to be heard by MPC, as provided in the State budget. Each hearing examiner must be appointed without regard to political affiliation, be a resident of the State, and have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology. A hearing examiner is entitled to compensation in accordance with the State budget.

Among other powers, MPC has the exclusive power to hear cases for parole or administrative release in which:

- the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;
- the incarcerated individual was convicted of a homicide;
- the incarcerated individual is serving a sentence of life imprisonment;
- the parole hearing is open to the public, as specified;
- the incarcerated individual fails to meet the requirements of the administrative release process, as specified;
- a victim requests a hearing, as specified; or
- MPC finds that a hearing for administrative release is necessary, as specified.

In addition, MPC has the exclusive power to (1) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner and (2) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed.

MPC may adopt regulations governing the conduct of proceedings before it or the hearing examiners and the review and disposition of written exceptions to the recommendation of a hearing examiner.

Parole Eligibility: Incarcerated individuals sentenced to serve less than six months are not eligible for parole. When incarcerated individuals serving sentences of incarceration of six months or more have served one-fourth of their sentences, they are entitled to be considered for parole, with specified exceptions.

Parole Hearings: MPC or its hearing examiners must hear cases for parole release at least once each month at each correctional facility in the Division of Correction and as often as necessary at other correctional facilities in the State at which incarcerated individuals eligible for parole consideration are confined.

Before any hearing on parole release, MPC must give the incarcerated individual adequate and timely written notice of (1) the date, time, and place of the hearing and (2) the factors that MPC or the hearing examiner will consider in determining whether the incarcerated individual is suitable for parole. The notice must also indicate that, before the hearing, the incarcerated individual or the incarcerated individual's representative may, on request, examine any document that MPC or a hearing examiner will use in determining whether the incarcerated individual is suitable for parole. However, a document, or a portion of it, is not available for examination under specified conditions.

MPC must delete the address and phone number of the victim or the victim's designated representative from a document before the incarcerated individual or the incarcerated individual's representative examines the document.

A parole hearing must be open to the public if a victim makes a written request and maintains a current address on file or a victim or a victim's representative files a notification request form, as specified, and within a reasonable amount of time before a scheduled hearing, the victim makes a written request that the hearing be open to the public.

The vote of each commissioner when acting collectively or in a panel, to approve or deny parole, and a vote to close or restrict access to a parole hearing must be made available to the public. Generally, the victim or victim's representative has the right to attend an open parole hearing; however, MPC or a panel of commissioners may (1) restrict the number of individuals allowed to attend a parole hearing because of facility physical limitations or

security requirements; (2) deny admission or continued attendance at a parole hearing to an individual who is disruptive or threatens or presents a danger to the security of the facility in which the hearing is being held or to other attendees or participants; (3) close a parole hearing to deliberate on the evidence and any other relevant information received at the hearing; or (4) close a parole hearing on written request of the chief law enforcement official responsible for an ongoing criminal investigation related to the incarcerated individual, if the ongoing investigation could be compromised. These provisions do not limit MPC's authority to hold a parole hearing through a video conference or other means of electronic transmission.

Generally, a parole hearing is held before a single hearing examiner or a parole commissioner acting as a hearing examiner. However, if the incarcerated individual is serving a sentence for homicide or is serving a sentence of life imprisonment or if a victim requested that the hearing be opened to public attendance, a parole hearing is held before a panel of at least two commissioners.

Consideration of Factors in Determining Suitability for Parole: Each hearing examiner and commissioner determining whether an incarcerated individual is suitable for parole, and MPC before entering into a predetermined parole release agreement, must consider:

- the circumstances surrounding the crime;
- the physical, mental, and moral qualifications of the incarcerated individual;
- the progress of the incarcerated individual during confinement, including the academic progress of the incarcerated individual in the mandatory education program, as specified;
- a report on a drug or alcohol evaluation that has been conducted on the incarcerated individual, including any recommendations concerning the incarcerated individual's amenability for treatment and the availability of an appropriate treatment program;
- whether, taking into account the totality of the circumstances, including the age of the incarcerated individual, there is reasonable probability that the incarcerated individual, if released on parole, will not recidivate;
- whether release of the incarcerated individual on parole is compatible with public safety;
- an updated victim impact statement or recommendation, as specified;
- any recommendation made by the sentencing judge at the time of sentencing;
- any information that is presented to a commissioner at a meeting with the victim;
- any testimony presented to MPC by the victim or the victim's designated representative; and
- compliance with the case plan, as specified.

Proceedings Before a Hearing Examiner: The MPC chairperson must assign hearing examiners, or commissioners acting as hearing examiners, as required to hear cases for parole. Each proceeding before a hearing examiner must be conducted in accordance with the following provisions:

- MPC must keep a record of each hearing conducted by a hearing examiner;
- a hearing examiner must determine if an incarcerated individual is suitable for parole in accordance with the factors and other information specified above; at the conclusion of the hearing, the hearing examiner must inform the incarcerated individual of the hearing examiner's recommendation for parole or denial of parole. Within 21 days after the hearing, the hearing examiner must give to MPC, the Commissioner of Correction, and the incarcerated individual a written report of the hearing examiner's findings and recommendation for parole or denial of parole. The Commissioner of Correction or the incarcerated individual may file with MPC written exceptions to the report of a hearing examiner no later than 5 days after the report is received;
- one commissioner assigned by the MPC chairperson must review summarily the recommendation of the hearing examiner. MPC, on its own initiative or on the filing of an exception, may schedule a hearing on the record by MPC in its entirety or by a panel of at least two commissioners assigned by the MPC chairperson. MPC or a panel must render a written decision on the appeal. The decision of MPC or the panel is final; and
- if an exception is not filed and MPC does not act on its own initiative within the five-day appeal period, the recommendation of the hearing examiner is approved.

Recommendations and Decisions: MPC may grant parole, deny parole, or decide to rehear the case at a future date. The hearing examiner must verbally inform the incarcerated individual of the hearing examiner's recommendation immediately after the hearing and submit a written report of findings and recommendations to MPC, the Commissioner of Correction, and the incarcerated individual within 21 days after the hearing. After receiving the recommendation, a parole commissioner is required to review the written recommendations of the hearing examiner. The commissioner may either approve or disapprove the hearing examiner's recommendation. If the recommendation is approved, the decision is sent to the incarcerated individual and to the Commissioner of Correction. If the recommendation is disapproved, the decision is sent to a two-commissioner panel for the issuance of a final decision.

The incarcerated individual and the Commissioner of Correction have five days after receipt of the hearing examiner's written decision to file with MPC a written exception to the hearing examiner's recommendations. If an exception is not filed, the recommendation of the hearing examiner is adopted. If an exception is filed, MPC or a panel of at least

two commissioners assigned by the chairperson of MPC may schedule an appeal hearing. The appeal hearing is on the record, and the decision of MPC or the panel is final.

Decisions of a two-commissioner panel must be unanimous. When the members of a two-commissioner panel disagree, the chairperson of MPC must convene a three-member panel to hear the case. Decisions by more than two commissioners are by majority vote.

For an incarcerated individual who has been sentenced to life imprisonment after being convicted of a crime committed on or after October 1, 2021, at least six affirmative votes are required to approve the incarcerated individual for parole.

MPC must inform the incarcerated individual and the appropriate correctional authority of MPC's decision as soon as possible. If parole is denied, MPC must give the incarcerated individual a written report of its findings within 30 days after the hearing.

Other Duties: MPC also reviews cases and makes recommendations to the Governor concerning medical parole of an incarcerated individual serving a sentence of life imprisonment. In addition, MPC reviews cases concerning pardons, commutations, or other clemency at the request of the Governor.

State Expenditures: General fund expenditures increase by \$119,422 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring two office secretaries to support the expanded scope of cases heard by commissioners under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	\$101,140
Operating Expenses	<u>18,282</u>
FY 2027 State Expenditures	\$119,422

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This analysis assumes that the Executive Director of the Maryland Police Training and Standards Commission, the Public Defender of Maryland, and the State Superintendent of Education, appointed to the panel for the appointment of parole commissioners under the bill, can handle the bill's requirements with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Office of the Public Defender; Maryland State Department of Education; Department of Public Safety and Correctional Services; Department of Legislative Services

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