

**SB0823/893720/1**

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 823  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Members**” insert “**and Hearing Examiners**”; in line 4, after “commissioners;” insert “requiring a new commissioner to be appointed within a certain number of days under certain circumstances; prohibiting a hearing examiner appointed under certain authority from serving for more than a certain number of days; altering certain requirements for hearing examiners; requiring a vote of the majority of commissioners appointed to the Maryland Parole Commission, instead of a certain minimum number, to approve a certain incarcerated individual for parole;”; and in line 7, strike “7-202(a)” and substitute “7-202, 7-204, 7-205(a), and 7-307”.

AMENDMENT NO. 2

On page 1, strike beginning with “**THE**” in line 15 down through “Senate,” in line 16 and substitute “**SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE GOVERNOR**”.

On page 2, strike beginning with “**THE**” in line 3 down through “**3.**” in line 5; in lines 6 and 8, strike “**4.**” and “**5.**”, respectively, and substitute “**3.**” and “**4.**”, respectively; after line 11, insert:

**5. THE STATE SUPERINTENDENT OF SCHOOLS;**”;

in line 15, after “**GOVERNOR**” insert “**, INCLUDING:**

**A. AT LEAST ONE MARYLAND RESIDENT WHO WAS FORMERLY INCARCERATED IN A STATE CORRECTIONAL FACILITY; AND**

**B.    AT LEAST ONE MARYLAND RESIDENT WHO IS AN IMMEDIATE RELATIVE OF AN INDIVIDUAL WHO IS CURRENTLY, OR WAS FORMERLY, INCARCERATED IN A STATE CORRECTIONAL FACILITY**”;

in lines 16 and 18, in each instance, strike “APPOINTED” and substitute “CHOSEN”; strike beginning with “**THE**” in line 23 down through “**PANEL**” in line 24 and substitute “**THE REQUIREMENT FOR NOMINATION BY THE PANEL UNDER THIS PARAGRAPH 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**”; and after line 24, insert:

“(b)    Each commissioner shall:

- (1)    be appointed without regard to political affiliation;
- (2)    be a resident of the State; and
- (3)    have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology.

(c)    Each commissioner:

- (1)    shall devote full time to the duties of the Commission; and
- (2)    may not have any other employment that conflicts with the commissioner’s devotion of full time to the duties of the Commission.

(d)    (1)    The term of a commissioner is 6 years.

(2)    At the end of a term, a commissioner continues to serve until a successor is appointed and qualifies.

(3)    A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) With the approval of the Governor, the Secretary may remove a commissioner for disability, neglect of duty, or misconduct in office.

(2) Before removing a commissioner, the Secretary shall:

(i) give the commissioner written notice of the charges against the commissioner; and

(ii) hold a public hearing on the charges.

(f) (1) If THERE IS A VACANCY ON THE COMMISSION, OR 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 the Commission to perform those duties until that commissioner is able to resume those duties or until a new commissioner is appointed and qualifies.

(2) A NEW COMMISSIONER SHALL BE APPOINTED WITHIN 90 DAYS AFTER A VACANCY.

(3) A hearing examiner appointed under this subsection is entitled to the same compensation as a commissioner.

[(3)] (4) A hearing examiner appointed under this subsection may not:

(I) SERVE FOR MORE THAN 90 DAYS; OR

(II) participate in a proceeding before the Commission in which the hearing examiner participated as a hearing examiner.

(g) With the approval of the Governor, the Secretary shall designate a chairperson of the Commission from among its members.

7-204.

(a) (1) The Commission shall appoint the staff necessary to perform the duties of the Commission.

(Over)

(2) The activities of the staff may not duplicate or conflict with the functions and services of the Division of Parole and Probation.

(3) Except as otherwise provided by law, the staff is subject to the provisions of Title 6, Subtitle 4 of the State Personnel and Pensions Article.

(b) (1) (i) The Secretary may appoint the hearing examiners necessary to conduct parole release hearings under paragraph (2) of this subsection, as provided in the State budget.

(ii) Each hearing examiner shall:

1. be appointed without regard to political affiliation;
2. be a resident of the State; [and]
3. [have training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology] **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**
4. **HAVE TRAINING AND EXPERIENCE IN A FIELD LISTED UNDER ITEM 3 OF THIS SUBPARAGRAPH OR IN LAW OR CRIMINOLOGY.**

(iii) A hearing examiner is entitled to compensation in accordance with the State budget.

(2) A hearing examiner or a commissioner acting as a hearing examiner may hear cases for parole release that are not required to be heard by the Commission under § 7-205(a)(3) of this subtitle.

**(3) (1) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, NOT MORE THAN 30% OF HEARING EXAMINERS MAY HAVE BEEN PREVIOUSLY EMPLOYED IN THE FIELDS OF CORRECTIONAL SERVICES OR LAW ENFORCEMENT.**

(II) THE SECRETARY MAY NOT TERMINATE A HEARING EXAMINER EMPLOYED ON OCTOBER 1, 2026, IN ORDER TO REACH THE THRESHOLD REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

7-205.

(a) The Commission has the exclusive power to:

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

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

(3) hear cases for parole or administrative release in which:

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

(ii) the incarcerated individual was convicted of a homicide;

(iii) the incarcerated individual is serving a sentence of [life imprisonment] NOT LESS THAN 15 YEARS CONFINEMENT FOR A SINGLE CONVICTION;

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

(v) the incarcerated individual fails to meet the requirements of the administrative release process established under § 7-301.1 of this title;

(vi) a victim requests a hearing as provided under § 7-301.1 of this title; or

(vii) the Commission finds that a hearing for administrative release is necessary under § 7-301.1 of this title;

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

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

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

(7) hear cases of parole revocation;

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

(9) determine conditions for administrative release under § 7–301.1 of this title.

7–307.

(a) (1) Except as provided in subsection (c) of this section, the chairperson of the Commission shall assign at least two commissioners to hear cases for parole release as a panel.

(2) Each proceeding before a Commission panel shall be conducted in accordance with this section.

(b) (1) (i) A Commission panel that consists of two commissioners shall determine, by unanimous vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7–305 of this subtitle.

(ii) If the two-commissioner panel is unable to reach a unanimous decision, the chairperson of the Commission shall convene a three-commissioner panel as soon as practicable to rehear the case.

(2) A Commission panel that consists of three commissioners shall determine, by majority vote, whether the incarcerated individual is suitable for parole in accordance with the factors and other information specified in § 7–305 of this subtitle.

(c) 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] **THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS APPOINTED TO THE COMMISSION IS** required to approve the incarcerated individual for parole, based on consideration of the factors specified in § 7–305 of this subtitle.

(d) (1) The Commission panel shall inform the incarcerated individual and the appropriate correctional authority of the Commission’s decision as soon as possible.

(2) If parole is denied, the Commission shall give the incarcerated individual a written report of its findings within 30 days after the hearing.”.