

HOUSE BILL 920

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2lr2350
CF SB 774

By: **Delegate Bartlett**

Introduced and read first time: February 7, 2022

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 6, 2022

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of prohibiting an individual serving a term of life imprisonment for
4 first-degree murder committed on or after a certain date from being eligible for
5 medical parole; repealing provisions relating to gubernatorial approval of a decision
6 of the Maryland Parole Commission to grant medical parole to an inmate serving a
7 term of life imprisonment; and generally relating to medical parole.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–309
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2021 Supplement)

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

15 **Article – Correctional Services**

16 7–309.

17 (a) **(1)** ~~This~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION, THIS** section applies to any inmate who is sentenced to a term of
19 incarceration for which all sentences being served, including any life sentence, are with the
20 possibility of parole.

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) THIS SECTION DOES NOT APPLY TO AN INMATE WHO IS SERVING A**
2 **TERM OF IMPRISONMENT FOR A VIOLATION OF § 2-201 OF THE CRIMINAL LAW**
3 **ARTICLE COMMITTED ON OR AFTER OCTOBER 1, 2022.**

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

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

11 (i) the inmate seeking the medical parole;

12 (ii) an attorney;

13 (iii) a prison official or employee;

14 (iv) a medical professional;

15 (v) a family member; or

16 (vi) any other person.

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

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

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

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

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

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

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

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

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

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

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

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

8 (3) discharge information, including:

9 (i) availability of treatment or professional services within the
10 community;

11 (ii) family support within the community; and

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

13 (4) case management information, including:

14 (i) the circumstances of the current offense;

15 (ii) institutional history;

16 (iii) pending charges, sentences in other jurisdictions, and any other
17 detainees; and

18 (iv) criminal history information.

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

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

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

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

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

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

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

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

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

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

15 (2) The Governor may disapprove the decision by written transmittal to
16 the Commission.

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

19 [(j)] (I) The Commission shall issue regulations to implement the provisions of
20 this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.