

HOUSE BILL 1391

E4

0lr3096

By: **Delegate Dumais**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Geriatric Parole**

3 FOR the purpose of requiring the Maryland Parole Commission to develop a certain
4 dynamic risk assessment instrument for a certain purpose; requiring the
5 Commission to complete an assessment of a certain inmate at a certain time using
6 the dynamic risk assessment instrument; requiring the Commission to conduct a
7 certain parole hearing for a certain inmate at a certain time; requiring a certain
8 panel to consider and give significant weight to certain factors in determining
9 whether a certain inmate is suitable for parole; providing that any savings realized
10 by the Department of Public Safety and Correctional Services as a result of this Act
11 shall revert to the Department and be used for certain purposes; requiring the
12 Commission to report certain information to the Justice Reinvestment Oversight
13 Board at a certain interval of time; requiring the Commission to adopt regulations
14 to implement this Act; providing for the application of this Act; and generally relating
15 to geriatric parole.

16 BY repealing and reenacting, without amendments,
17 Article – Correctional Services
18 Section 7–305
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2019 Supplement)

21 BY adding to
22 Article – Correctional Services
23 Section 7–310
24 Annotated Code of Maryland
25 (2017 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

1
2 7–305.

3 Each hearing examiner and commissioner determining whether an inmate is
4 suitable for parole, and the Commission before entering into a predetermined parole release
5 agreement, shall consider:

6 (1) the circumstances surrounding the crime;

7 (2) the physical, mental, and moral qualifications of the inmate;

8 (3) the progress of the inmate during confinement, including the academic
9 progress of the inmate in the mandatory education program required under § 22–102 of the
10 Education Article;

11 (4) a report on a drug or alcohol evaluation that has been conducted on the
12 inmate, including any recommendations concerning the inmate’s amenability for treatment
13 and the availability of an appropriate treatment program;

14 (5) whether there is reasonable probability that the inmate, if released on
15 parole, will remain at liberty without violating the law;

16 (6) whether release of the inmate on parole is compatible with the welfare
17 of society;

18 (7) an updated victim impact statement or recommendation prepared
19 under § 7–801 of this title;

20 (8) any recommendation made by the sentencing judge at the time of
21 sentencing;

22 (9) any information that is presented to a commissioner at a meeting with
23 the victim;

24 (10) any testimony presented to the Commission by the victim or the victim’s
25 designated representative under § 7–801 of this title; and

26 (11) compliance with the case plan developed under § 7–301.1 of this subtitle
27 or § 3–601 of this article.

28 **7–310.**

29 **(A) THIS SECTION APPLIES ONLY TO AN INMATE WHO IS:**

30 **(1) AT LEAST 60 YEARS OF AGE;**

1 **(2) ELIGIBLE FOR PAROLE UNDER § 7-301 OF THIS SUBTITLE; AND**

2 **(3) NOT REGISTERED OR ELIGIBLE FOR SEX OFFENDER**
3 **REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE**
4 **ARTICLE.**

5 **(B) (1) (I) THE COMMISSION SHALL DEVELOP A DYNAMIC RISK**
6 **ASSESSMENT INSTRUMENT TO ASSIST IN PREDICTING THE RISK OF AN INMATE WHO**
7 **IS SUBJECT TO THIS SECTION TO VIOLATE THE LAW IF RELEASED ON PAROLE.**

8 **(II) THE DYNAMIC RISK ASSESSMENT INSTRUMENT SHALL**
9 **INCLUDE A STRENGTH-BASED NEEDS ASSESSMENT COMPONENT TO ASSIST IN**
10 **DETERMINING WHAT, IF ANY, CONDITIONS FOR RELEASE SHOULD APPLY IF THE**
11 **INMATE IS RELEASED ON PAROLE.**

12 **(2) THE COMMISSION SHALL, AT LEAST ANNUALLY, COMPLETE AN**
13 **ASSESSMENT OF AN INMATE WHO IS SUBJECT TO THIS SECTION USING THE DYNAMIC**
14 **RISK ASSESSMENT INSTRUMENT DEVELOPED UNDER PARAGRAPH (1) OF THIS**
15 **SUBSECTION.**

16 **(C) (1) WITHIN 6 MONTHS AFTER COMPLETION OF THE ANNUAL**
17 **ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE**
18 **COMMISSION SHALL CONDUCT A HEARING TO DETERMINE WHETHER THE INMATE IS**
19 **SUITABLE FOR PAROLE IN THE MANNER PROVIDED IN § 7-307 OF THIS SUBTITLE.**

20 **(2) IN ADDITION TO THE FACTORS SPECIFIED UNDER § 7-305 OF THIS**
21 **SUBTITLE, EACH COMMISSION PANEL DETERMINING WHETHER AN INMATE IS**
22 **SUITABLE FOR PAROLE SHALL CONSIDER AND GIVE SIGNIFICANT WEIGHT TO:**

23 **(I) THE AGE OF THE INMATE AND THE IMPACT THAT THE AGE**
24 **OF THE INMATE HAS ON REDUCING THE RISK THAT THE INMATE WILL VIOLATE THE**
25 **LAW IF RELEASED ON PAROLE;**

26 **(II) THE RESULTS OF THE MOST RECENT ASSESSMENT**
27 **COMPLETED UNDER SUBSECTION (B)(2) OF THIS SECTION; AND**

28 **(III) THE RESULTS OF ANY MENTAL HEALTH EVALUATION OF THE**
29 **INMATE THAT IS DETERMINED TO BE RELEVANT.**

30 **(D) ANY SAVINGS REALIZED BY THE DEPARTMENT AS A RESULT OF THIS**
31 **SECTION SHALL REVERT TO THE DEPARTMENT AND SHALL BE USED FOR THE**
32 **PURPOSE OF:**

1 **(1) DEVELOPING A DYNAMIC RISK ASSESSMENT INSTRUMENT UNDER**
2 **SUBSECTION (B)(1) OF THIS SECTION;**

3 **(2) CONDUCTING ANNUAL ASSESSMENTS OF INMATES AS REQUIRED**
4 **UNDER SUBSECTION (B)(2) OF THIS SECTION; AND**

5 **(3) PROVIDING PRERELEASE AND REENTRY CASE MANAGEMENT AND**
6 **RESOURCES FOR INMATES WHO ARE SUBJECT TO THIS SECTION AND RELEASED ON**
7 **PAROLE.**

8 **(E) EVERY 6 MONTHS, THE COMMISSION SHALL REPORT TO THE JUSTICE**
9 **REINVESTMENT OVERSIGHT BOARD ON THE OUTCOMES OF PAROLE**
10 **CONSIDERATIONS MADE UNDER THIS SECTION, INCLUDING:**

11 **(1) THE NUMBER OF INMATES WHO ARE SUBJECT TO THIS SECTION**
12 **WHO ARE DENIED PAROLE AND RELEASED ON PAROLE;**

13 **(2) OF THE NUMBER OF INMATES WHO ARE RELEASED ON PAROLE,**
14 **THE NUMBER OF INMATES WHO VIOLATE THE LAW AFTER RELEASE;**

15 **(3) THE AVERAGE TIME BETWEEN WHEN AN INMATE BECOMES**
16 **ELIGIBLE FOR PAROLE CONSIDERATION UNDER THIS SECTION AND WHEN THE**
17 **INMATE RECEIVES THE FIRST PAROLE HEARING REQUIRED BY THIS SECTION; AND**

18 **(4) THE AVERAGE TIME BETWEEN PAROLE HEARINGS FOR INMATES**
19 **WHO ARE SUBJECT TO THIS SECTION.**

20 **(F) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
21 **PROVISIONS OF THIS SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2020.