

# A Deeper Dive Into Maryland's HB 16

Overview of House Bill 16's changes to parole commissioner appointments and the creation of a selection committee.

## Overview

House Bill 16 will change the appointing authority and process for the selection of parole commissioners, adjust Commission staffing (with no budgetary impact), and ensure parole commissioners conduct all hearings.

## Comparing Parole Appointment Across the US

Currently in Maryland, the Secretary of DPSCS appoints **10 commissioners** (with the approval of the Governor and the advice and consent of the Senate) and an **unlimited number of hearing examiners** (that do not require approval or consent of other governing bodies) to conduct parole hearings.

In most states, the Governor has the sole authority to select and appoint parole commissioners (i.e. parole board members), often with Senate advice and consent. In all but four states, the Governor appoints at least *part* of the Parole Commission. Listed below are the exceptions to the rule:

### Secretary of Corrections | Maryland, Kansas

Maryland is an outlier – it's one of two states (Kansas, [Kan. Stat. § 75-52,152](#)) that permits the Secretary of Corrections to appoint parole commissioners.

### Director, Department of Corrections | Michigan, Ohio

Michigan's Director appoints members with no approval or oversight from any other elected position or governing body ([Mich. Comp. Laws § 791.231a](#)). Ohio generally does not require any approval ([Ohio Rev. Code § 5149.02](#)) except one of their members has to be a victim / family of a victim who is chosen "in consultation with the governor" ([Ohio Rev. Code § 5149.10](#)). No other oversight is required by law.

## **Combination | Oklahoma, South Dakota, Wisconsin**

Oklahoma, South Dakota, and Wisconsin divide their appointment duties across multiple positions.

- Oklahoma | [Oklahoma Constitution, Article VI, Section 10](#)
  - 3 members appointed by Governor
  - 1 member appointed by the Chief Justice of Supreme Court
  - 1 member appointed by the Presiding Judge of Court of Appeals
- South Dakota | [S.D. Codified Laws § 24-13-1](#)
  - 3 members appointed by the Governor
  - 3 members appointed by the Attorney General
  - 3 members appointed by the Supreme Court
- Wisconsin | [Wis. Stat. § 15.145](#)
  - The Governor appoints the Chair. The Chair appoints the other three members.

## **Appointment Panels**

Six states utilize parole panels to screen applicants and submit candidates to the Governor to choose from to select their appointee. HB0016 would make Maryland the seventh.

- Alabama | [Ala. Code § 15-22-20](#)
  - 3 member panel
- Florida | [Fla. Stat. § 947.02](#)
  - 5 member panel
- Hawaii | [Haw. Rev. Stat. § 353-61](#)
  - 6 member panel
- Kentucky | [Ky. Rev. Stat. § 196.701](#)
  - 23 member panel
- Massachusetts | [Mass. Gen. Laws ch. 27 § 4](#)
  - 9 member panel
- Utah | [Utah Code § 63M-7-202](#)
  - 17 member panel

## Commissioner Qualifications

Training and experience qualifications for parole commissioners are unchanged by this bill.

[Md. Code, Corr. Servs. § 7-202](#) specifies that:

- (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.

## Commissioner Salary

Parole commissioners are full-time, salaried employees. According to a [records request](#) submitted to the Maryland Comptroller, parole commissioners make between \$117k (commissioners) and \$132k (Commission Chair) per year.

Currently, there are 10 hearing examiners who make an average of \$99k per year. It is the intent of HB0016 that the hearing examiner salaries will be re-budgeted for the expanded Parole Commission.

From lines 28-30 (page 9) of the bill:

*“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that any funds budgeted for hearing examiner salaries as of the effective date of this Act be re-budgeted for parole commissioner salaries.”*