

Understanding **HB1147** & **HB1156**

[Last Updated: February 2025]

Improvements in Transparency and Equity

Campaign Zero has conducted a rigorous 50 state review of parole statutes, state codes, and administrative regulations across a variety of policy areas. Based on our review of nationwide standards, these two bills are in-line with national practices.

FREQUENTLY ASKED QUESTIONS ABOUT PAROLE:

1 Is parole a reduction in sentence?

No, parole does not reduce any person's sentence. If released on parole, people remain in legal custody and still serve their "full, undiminished term" on community supervision (Md. Code, Corr. Servs. § 7-308).

2 What's the difference between a commissioner and a hearing examiner?

State law establishes ten parole commissioners, appointed by the Secretary with the approval of the Governor and the "advice and consent" of the Senate (Md. Code, Corr. Servs. § 7-202). Additionally, the Secretary may appoint as many hearing examiners as are required to conduct parole hearings (Md. Code, Corr. Servs. § 7-204). These staff members have no required approvals.

Although they are not appointed parole commissioners, hearing examiners conduct parole hearings alone and make a recommended decision, submitted to the Commission. If the Commission does not file an exception to their decision within five days, the decision of the hearing examiner is final.

3 Which people have their hearings with a commissioner vs. a hearing examiner?

Generally, the appointed commissioners are only required by law to conduct parole hearings for those with a life sentence or who have been convicted of homicide (Md. Code, Corr. Servs. § 7-205). All other parole hearings are conducted by a hearing examiner (Md. Code, Corr. Servs. § 7-204).

Of the ~15,000 incarcerated people in Maryland currently eligible for parole, ~9,000 will have a hearing with a hearing examiner.

4 What's the difference between a parole hearing and a parole decision?

A parole hearing is an opportunity for the incarcerated person to be reviewed by the Commission through an interview with a hearing examiner or a panel of parole commissioners. A parole decision occurs after a hearing and determines whether the person may be released on parole or will remain in prison.

[FIGURE 1] PAROLE COMMISSION VS. HEARING EXAMINER

The majority of the 15,000 people currently eligible for parole in Maryland **will never meet with the parole commission.**



Parole Commission

6,000 currently eligible people will have their hearing decided by a Commissioner

- 10 Appointees—determined by DPSCS Secretary with input/approval from the Senate & governor
- Conduct hearings for murder/life sentences
- Hear cases as a panel of two (may hear other case types alone, acting as a hearing examiner)

VS



Hearing Examiner

The remaining 9,000 currently eligible people will have their hearing decided by a single Hearing Examiner

- Unlimited hires—chosen directly by DPSCS Secretary, without input from the governor or the Senate
- Conduct all hearings other than murder/life sentences
- Conduct parole hearings alone



Per Md. Code, Corr. Servs. § 7-205 and current DPSCS incarcerated population data, the majority of eligible people will never meet with a parole commissioner.



HB1156 would increase the size of the commission and require actual parole commissioners to conduct all parole hearings.

FREQUENTLY ASKED QUESTIONS ABOUT PAROLE (CONT.):

5 Is it true the Parole Commission can **permanently** refuse an eligible person parole?

Following a parole denial, all parole-eligible people must apply for subsequent hearings. The Commission, absent state law establishing this authority, has full discretion to refuse these hearings. The Parole Commission refuses over a thousand requests for a hearing each year (1,126 in FY23 and 1,154 in FY24).

The Parole Commission is effectively denying parole eligibility to thousands of people who both the legislature and courts have determined to be eligible.

While a “permanent denial” is not a current policy, the Commission can refuse a person a parole hearing each time they apply, effectively permanently denying them parole in practice.

6 Is Maryland an outlier in requiring people to request a parole hearing?

The vast majority of US states automatically schedule subsequent parole hearings following a denial. Maryland is one of four states that requires a person to apply for a parole hearing (along with Delaware, Idaho, and Utah). **Requiring a parole-eligible person to request a hearing gives the Parole Commission undue power over their sentence, allowing them to overrule other branches of government.**

In a balanced system, the legislature determines the appropriate punishment and parole eligibility, the courts determine guilt or innocence, and the Parole Commission determines the person’s fitness to return home after a specified portion of their sentence. **Maryland’s current set-up allows the Commission to deny a hearing, effectively stripping parole eligibility from incarcerated people.**

7 Does a parole hearing guarantee release?

A parole hearing is available to all incarcerated people who have been deemed eligible for parole. **Parole eligibility does not guarantee release, only consideration.** The Commission utilizes parole hearings to determine whether or not someone is ready to return to the community.

Apart from life without parole (LWOP) sentences, all incarcerated people will return home some day. The Commission decides if they’re best suited to transition home under parole supervision or max out their sentence in prison.

8 Will this bill grant parole to more people?

The Parole Commission will retain full discretionary authority for parole release decisions. Generally, in order to be eligible for a parole hearing, people have to serve at least 25% of their sentence for a non-violent offense or 50% of their sentence for a violent offense (Md. Code, Corr. Servs. § 7-301).

Our proposed updates address existing procedures for eligible people to bring Maryland up-to-par with national standards. **These proposals would provide hearings to people who are already eligible – they do not affect any eligibility laws and do not result in automatic release.**

9 Is it true people convicted of murder will get out sooner if these proposals are passed?

First degree murder maintains a sentence option of life without parole if the prosecutor decides to pursue it (Md. Code, Crim. Law § 2-201, Md. Code, Crim. Law § 2-203). None of these proposals affect people convicted of particularly egregious examples of first-degree murder since they are not eligible for parole.

10 What’s the impact of these proposals on victims and their families?

None of our proposals change the options available to victims in the parole process. All parties favor a fair, just, and transparent process.

Per our proposals, victims may:

- Submit a notification form if they wish to be notified of parole hearings and decisions (Md. Code, Corr. Servs. § 7-801, Md. Code, Crim. Proc. § 11-104)
- Submit a victim impact statement, their recommendation on advisability of parole release, and a request to meet with a commissioner (Md. Code, Corr. Servs. § 7-801)
- Request an open hearing at which they may attend and speak (Md. Code, Corr. Servs. § 7-304, Md. Code, Corr. Servs. § 7-801)

