**HB1147** & **HB1156** would update the current Maryland parole process to improve transparency and equity in each of the areas identified below.



## Eligibility<sup>1</sup>

Incarcerated people become parole-eligible after serving:

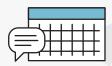
**25**% of a non-violent offense **50**% of a violent offense



Hearings are electronically or stenographically recorded to preserve a record for appeal. With limited exceptions, recordings are destroyed 30 days after the hearing unless an appeal has been filed. In cases of appeal, recordings are destroyed upon conclusion of the appeal hearing.



HB1147 would require hearing recordings to be retained for three years post-incarceration, supervision, and the exhaustion of all appeals.



# **Scheduling**<sup>2</sup>

The Parole Commission schedules hearings as people become eligible.



# Hearing\*

Hearings are conducted by a single hearing examiner (most common), by a commissioner (acting as a hearing examiner) or by a panel (two commissioners), based on the offense.



Individuals may have as little as 15 days notice and must request to review their documents.



HB1147 would make documents automatically available for review.



Current law doesn't require subsequent hearings or establish a timeline.



HB1147 would require hearings every two years.

\* FIGURE 1 (P. 1)
EXPLAINS ISSUES WITH HOW
PAROLE COMMISSIONERS
AND HEARING EXAMINERS
ARE APPOINTED AND UTILIZED.

FIGURE 3 (P. 3)
DESCRIBES IN DETAIL HOW
MOST HEARINGS ARE DECIDED
BY A SINGLE INDIVIDUAL
RATHER THAN A PANEL.



Individuals receive a decision within 21 days (hearing examiner) or within 30 days (commissioner).





Commissioners / Hearing Examiners are not required to give reasoning or justification for parole decisions.



HB1147 would require the decision and justification to be given to the incarcerated person within 7 days.



The Commission issued hearing refusals to over a thousand eligible people in both FY23/FY24, including hundreds with non-violent offenses.



HB1147 would require subsequent hearings to be automatically scheduled every two years.



### GRANTED

The person is released and remains on parole until the end of their maximum sentence.



#### DENIED ....

The person remains in prison until they are permitted to apply for another hearing.



Incarcerated people must *apply* for subsequent hearings—the Commission has full discretion to refuse those requests regardless of parole eligibility.

- 1. Md. Code, Corr. Servs. § 7-301
- 2. According to a records request to DPSCS, people may apply for a subsequent hearing every year (if serving <10 years) or every two years (if serving >10 years).



Most people's hearings are conducted by a **single person** who is *not* an appointed commissioner.<sup>3</sup>



HB1156 would increase the size of the commission and require all parole hearings to be conducted by commissioners.

### **MOST COMMON**



The majority of parole hearings are held by **a single Hearing Examiner**, or by a commissioner acting as a hearing examiner.



Approximately 9,000 parole eligible people will have a hearing with only one person.

The hearing examiner submits their report to the Commission. If the Commission does not file an exception (appeal), the recommendation becomes the final decision.

# LESS COMMON (CERTAIN OFFENSES)



For certain offenses, such as homicide or for parole-eligible life sentences, hearings are conducted by a panel of at least **two Commissioners**.



Approximately 6,000 people serving sentences for homicide or parole-eligible life sentences will have a panel hearing with at least two commissioners.

A unanimous decision of two commissioners is required. If the two do not agree, a new panel of three commissioners is formed to rehear the case. The majority vote of the three is the decision.

### **RARE UNDER CURRENT LAW**



Only those convicted of a crime post-October 2021 and given a parole-eligible life sentence have a hearing before the **full Commission**.



A grant requires the affirmative vote of six commissioners—there are currently only seven.

There are few, if any, individuals impacted by this provision that are currently parole eligible.

3. Md. Code, Corr. Servs. § 7-304, Md. Code, Corr. Servs. § 7-306, Md. Code, Corr. Servs. § 7-307

