

Maryland Justice Reinvestment Act of 2016

Senate Bill 1005

"Administrative Release" to Parole for Certain "Low Risk" Inmates

1
2 of (ii) has served in confinement one-fourth of the inmate's aggregate
3 sentence.
4

5 (2) Except as provided in paragraph (3) of this subsection, or as otherwise
6 provided by law or in a predetermined parole release agreement, an inmate is not eligible
7 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate
8 sentence.

9 (3) An inmate may be released on parole at any time in order to undergo
10 drug or alcohol treatment, mental health treatment, or to participate in a residential
11 program of treatment in the best interest of an inmate's expected or newborn child if the
12 inmate:

13 (i) is not serving a sentence for a crime of violence, as defined in §
14 14-101 of the Criminal Law Article;

15 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
16 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal
17 Law Article; and

18 (iii) has been determined to be amenable to treatment.

19 (4) The Division of Parole and Probation shall complete and submit to the
20 Commission each investigation of an inmate in a local correctional facility required under
21 paragraph (1) of this subsection within 60 days of commitment.

7-301.1.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "ADMINISTRATIVE ~~PAROLE~~ RELEASE" MEANS RELEASE ~~TO~~
26 ~~PAROLE~~ OF AN ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S
27 SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

28 (3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:

29 (I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO
30 SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;

31 (II) HAS BEEN SCREENED AS LOW RISK TO REOFFEND UNDER §
32 6-104 OF THIS ARTICLE;

1 **(III)** IS NOT SERVING A SENTENCE FOR:

2 1. A VIOLENT CRIME; OR

3 2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS
4 REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;
5 AND

6 ~~(III)~~ **(IV)** IF SERVING A SENTENCE WITH A TERM OF
7 CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED
8 THE MANDATORY PORTION OF THE SENTENCE.

9 **(B) (1)** FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE
10 COMMISSION SHALL:

11 **(I)** REQUEST THAT THE DIVISION OF PAROLE AND PROBATION
12 CONDUCT AN INVESTIGATION TO:

13 ~~(I)~~ DETERMINE THE INMATE'S ELIGIBILITY FOR
14 ADMINISTRATIVE ~~PAROLE~~ RELEASE;

15 **(II)** DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE
16 INMATE MAY BE RELEASED ~~TO PAROLE~~ AFTER HAVING SERVED ONE-FOURTH OF
17 THE INMATE'S TERM OF CONFINEMENT; AND

18 **(III)** CALCULATE A TENTATIVE ~~PAROLE~~ RELEASE ELIGIBILITY
19 DATE FOR AN ELIGIBLE INMATE.

20 **(2)** THE COMMISSION SHALL:

21 **(I)** REQUEST THAT FOR AN INMATE IN A STATE CORRECTIONAL
22 FACILITY, THE DIVISION OF CORRECTION CONDUCT AN INVESTIGATION TO:

23 ~~(I)~~ DETERMINE THE INMATE'S ELIGIBILITY FOR
24 ADMINISTRATIVE ~~PAROLE~~ RELEASE;

25 **(II)** DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE
26 INMATE MAY BE RELEASED ~~TO PAROLE~~ AFTER HAVING SERVED ONE-FOURTH OF
27 THE INMATE'S TERM OF CONFINEMENT; AND

28 **(III)** CALCULATE A TENTATIVE ~~PAROLE~~ RELEASE ELIGIBILITY
29 DATE FOR AN ELIGIBLE INMATE.