

Maryland Justice Reinvestment Act of 2016  
Senate Bill 1005  
Medical Parole for Certain Debilitated Or Incapacitated Inmates

the victim; [and]

(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; AND

**(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1 OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

**7-309.**

(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.

(b) An inmate who is so **PERMANENTLY** debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.

(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:

- (i) the inmate seeking the medical parole;
- (ii) an attorney;
- (iii) a prison official or employee;
- (iv) a medical professional;
- (v) a family member; or
- (vi) any other person.

(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.

(d) Following review of the request, the Commission may:

(1) find the request to be inconsistent with the best interests of public safety and take no further action; or

1           (2)     request that department or local correctional facility personnel provide  
2 information for formal consideration of parole release.

3           (e)     The information to be considered by the Commission before granting medical  
4 parole shall, at a minimum, include:

5                   **(1) TWO MEDICAL EVALUATIONS CONDUCTED BY MEDICAL**  
6 **PROFESSIONALS THAT ARE INDEPENDENT FROM THE DIVISION OF CORRECTION,**  
7 **PAID FOR BY THE DIVISION OF CORRECTION;**

8                   **[(1)] (2)**     the inmate's medical information, including:

9                           (i)     a description of the inmate's condition, disease, or syndrome;

10                           (ii)    a prognosis concerning the likelihood of recovery from the  
11 condition, disease, or syndrome;

12                           (iii)  a description of the inmate's physical incapacity and score on the  
13 Karnofsky Performance Scale Index or similar classification of physical impairment; and

14                           (iv)   a mental health evaluation, where relevant;

15                   **[(2)] (3)**     discharge information, including:

16                           (i)     availability of treatment or professional services within the  
17 community;

18                           (ii)    family support within the community; and

19                           (iii)  housing availability, including hospital or hospice care; and

20                   **[(3)] (4)**     case management information, including:

21                           (i)     the circumstances of the current offense;

22                           (ii)    institutional history;

23                           (iii)  pending charges, sentences and other jurisdictions, and any  
24 other detainees; and

25                           (iv)   criminal history information.

26           (f)     The Commission may require as a condition of release on medical parole that:

1 (1) the parolee agree to placement for a definite or indefinite period of time  
 2 in a hospital or hospice or other housing accommodation suitable to the parolee's medical  
 3 condition, including the family home of the parolee, as specified by the Commission or the  
 4 supervising agent; and

5 (2) the parolee forward authentic copies of applicable medical records to  
 6 indicate that the particular medical condition giving rise to the release continues to exist.

7 (g) (1) If the Commission has reason to believe that a parolee is no longer so  
 8 debilitated or incapacitated as to be physically incapable of presenting a danger to society,  
 9 the parolee shall be returned to the custody of the Division of Correction or the local  
 10 correctional facility from which the inmate was released.

11 (2) (i) A parole hearing for a parolee returned to custody shall be held  
 12 to consider whether the parolee remains incapacitated and shall be heard promptly.

13 (ii) A parolee returned to custody under this subsection shall be  
 14 maintained in custody, if the incapacitation is found to no longer exist.

15 (3) An inmate whose medical parole is revoked for lack of continued  
 16 incapacitation may be considered for parole in accordance with the eligibility requirements  
 17 specified in § 7-301 of this subtitle.

18 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to  
 19 victim notification and opportunity to be heard shall apply to proceedings relating to  
 20 medical parole.

21 (2) In cases of imminent death, time limits relating to victim notification  
 22 and opportunity to be heard may be waived in the discretion of the Commission.

23 (i) ~~Consistent with § 7-301(d)(4) of this subtitle, a medical parole under this~~  
 24 ~~section for a person serving a life sentence shall require the approval of the Governor~~

25 **(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN**  
 26 **INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE**  
 27 **TRANSMITTED TO THE GOVERNOR.**

28 **(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN**  
 29 **TRANSMITTAL TO THE COMMISSION.**

30 **(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN**  
 31 **180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.**

32 (j) The Commission shall issue regulations to implement the provisions of this  
 33 section.