

Maryland provides compassionate release to eligible incarcerated individuals through (1) **Medical Parole**, for those with serious medical conditions,<sup>1</sup> and (2) **Geriatric Parole**, for incarcerated individuals aged 65 and older who have served at least 20 years of their sentence.<sup>2</sup>

Maryland's Medical Parole and Geriatric Parole laws were changed during the 2025 legislative session through Senate Bill 181, enacted April 22, 2025. All laws cited in this document take effect October 1, 2025. Further guidance through administrative regulations and Department of Public Safety and Correctional Services (Department) policies may provide more specific information in the future.<sup>3</sup>

## **MEDICAL PAROLE**

### **I. ELIGIBILITY**

**Medical Condition** – To be eligible for Medical Parole, an incarcerated individual must be found by a licensed physician to:

- Be chronically debilitated, chronically incapacitated, or terminally ill.<sup>4</sup>
- Require extended medical management with health care needs that would be better met by community services.<sup>5</sup>
- Be physically incapable of presenting a danger to society because of a physical or mental health condition, disease, or syndrome, or no longer pose a danger to public safety.<sup>6</sup>

“Chronically debilitated or incapacitated” means having a medical condition that is unlikely to improve in the future and substantially reduces the ability of the individual to care for themselves.<sup>7</sup> Conditions such as dementia or a severe and permanent medical or cognitive disability that reduce the individual's ability to care for themselves meet this criterion.<sup>8</sup> Terminally ill means the individual has a disease or condition with an end-of-of life trajectory.<sup>9</sup>

**Exclusions** – Individuals sentenced to a term of incarceration without the possibility of parole are not eligible for Medical Parole.<sup>10</sup>

### **II. APPLICATION OR REFERRAL**

**Application** – A request for Medical Parole is filed with the Maryland Parole Commission (Commission) in writing and must include the grounds that support granting Medical Parole.<sup>11</sup> A request may be filed by the incarcerated individual, the individual's attorney, a prison official, a medical professional, a family member, or any other person.<sup>12</sup>

### III. DOCUMENTATION AND ASSESSMENT

**Documentation** – A licensed physician must determine the incarcerated individual is terminally ill or chronically debilitated or incapacitated.<sup>13</sup> The Commission requires a recommendation by the Department medical professional treating the individual or an in-person medical evaluation, provided at no cost to the individual by an independent physician upon request.<sup>14</sup>

### IV. DECISION-MAKING PROCESS

**Decision-Maker** – The Commission decides whether to grant Medical Parole.<sup>15</sup>

**Factors** – The Commission must consider the following information when deciding whether to grant Medical Parole:<sup>16</sup>

- The incarcerated individual’s medical information, including:
  - A recommendation by the medical professional.
  - A description of the individual’s condition, disease, or syndrome.
  - A prognosis concerning the likelihood of recovery.
  - A description of the individual’s physical incapacity.
  - A mental health evaluation if relevant.<sup>17</sup>
- Discharge information, including:
  - Availability of treatment or professional services within the community.
  - Family support within the community.
  - Housing availability, including hospital or hospice care.<sup>18</sup>
- Case management information, including:
  - The circumstances of the current offense.
  - Institutional history.
  - Pending charges and/or sentences in other jurisdictions, and other detainers.
  - Criminal history information.<sup>19</sup>

**Victims** – Laws applying to victim notice and opportunity to be heard apply to the Medical Parole process.<sup>20</sup> Victims have a right to be notified of, attend, and be heard at criminal justice proceedings.<sup>21</sup> The Department must notify victims, upon request, at least 90 days before a parole hearing.<sup>22</sup> Victims may submit a request for an updated victim impact statement no later than 30 days after notice and the statement must be completed at least 30 days before any hearing.<sup>23</sup>

Additionally, victims may write a recommendation on parole, request no contact with the individual as a condition of parole, and request a meeting with a commissioner.<sup>24</sup> Victims may also request an open hearing and present oral testimony at the hearing.<sup>25</sup> The incarcerated individual may review the victim’s impact statement and written

recommendation.<sup>26</sup> If the individual is likely to die within six months, the Commission may reduce or waive time limits related to victim notice and opportunity to be heard.<sup>27</sup>

**Meeting with Commission** – The incarcerated individual or their representative may request a meeting with the Commission.<sup>28</sup> The Commission shall grant the request for a meeting if the individual is housed in a correctional facility infirmary, is hospitalized outside a facility, or has been frequently housed in an infirmary or hospitalized in the preceding six months.<sup>29</sup> The Commission also has discretion to grant requests for meetings from individuals who do not fall into these categories.<sup>30</sup>

**Decision** – If the Commission finds the request for Medical Parole inconsistent with the interest of public safety, it may deny the request and take no further action or it may request the Department or the incarcerated individual’s facility provide information for formal consideration.<sup>31</sup> No further information on the decision-making process by the Commission is provided in the statute.

## **V. POST-DECISION**

**Conditions** – The Commission or the supervising agent may require the incarcerated individual agree to placement “for a definite or indefinite period of time” under the care of a medical provider in housing suitable for their medical condition and specified by the Commission, which can include their family home.<sup>32</sup> The Commission may also require that the individual provide medical records on an ongoing basis to indicate that the specific medical condition continues to exist.<sup>33</sup>

**Revocation** – An individual will be returned to custody if a licensed physician determines they meet all the following criteria:<sup>34</sup>

- They are no longer chronically debilitated, chronically incapacitated, or terminally ill.<sup>35</sup>
- They no longer require extended medical management with health care needs better met by community services.<sup>36</sup>
- They are a danger to society, or their physical or mental health condition no longer renders them physically incapable of presenting a danger to society.<sup>37</sup>

## **VI. REPORTING AND STATISTICS**

The Commission’s annual report includes how many Medical Paroles are granted each year.<sup>38</sup>

- For fiscal year 2023, 20 people were granted Medical Parole.<sup>39</sup>

- For fiscal year 2024, 18 people were granted Medical Parole.<sup>40</sup>

## **GERIATRIC PAROLE**

### **I. ELIGIBILITY**

**Age and Time Served** – An incarcerated individual is eligible for Geriatric Parole if the person (1) is at least 65 years old and (2) has served at least 20 years of their sentence.<sup>41</sup> Additionally, the individual must not have any Category 1A disciplinary infractions within the previous three years.<sup>42</sup>

**Exclusions** – Individuals convicted of offenses that require classification as a sex offender are not eligible for parole consideration under this law.<sup>43</sup> Individuals serving a sentence without the possibility of parole are not eligible for Medical Parole.<sup>44</sup>

### **II. APPLICATION OR REFERRAL**

**Referral** – The Department of Public Safety and Correctional Services (Department) must submit names of eligible incarcerated individuals to the Maryland Parole Commission (Commission) on an on-going basis.<sup>45</sup>

### **III. DOCUMENTATION AND ASSESSMENT**

**Assessment** – If the incarcerated individual is serving sentences for “multiple crimes of violence,” with a combined term of confinement of 40 years or more, the Commission must order a risk assessment within 60 days of receiving the individual’s name.<sup>46</sup> The Commission may also order a risk assessment for any individual eligible for Geriatric Parole.<sup>47</sup>

### **IV. DECISION-MAKING PROCESS**

**Decision-Maker** – The Commission makes all decisions to grant or deny Geriatric Parole.<sup>48</sup>

**Factors** – The Commission must consider the following factors when deciding whether to grant parole generally, including Geriatric Parole:

- The circumstances surrounding the crime.
- The physical, mental, and moral qualifications of the individual.
- The progress of the individual during confinement, including academic progress.

- A report on a drug or alcohol evaluation, including recommendations about the individual’s amenability to treatment and availability of an appropriate treatment program.
- If there is a reasonable probability the individual will not recidivate if released on parole, considering the “totality of the circumstances” including the individual’s age.
- If release is compatible with public safety.
- Victim impact statements or recommendations.
- Recommendations by the sentencing judge at the time of sentencing.
- Any information or testimony from the victim.
- Compliance with a case plan.<sup>49</sup>

The Commission must give weight to the incarcerated individual’s age and the impact age has on the risk the individual will recidivate.<sup>50</sup>

**Victims** – Laws applying to victim notice and opportunity to be heard apply to the Geriatric Parole process as well.<sup>51</sup> Victims have a right to be notified of, attend, and be heard at criminal justice proceedings.<sup>52</sup> The Department must notify victims, upon request, at least 90 days before a parole hearing.<sup>53</sup> Victims may submit a request for an updated victim impact statement no later than 30 days after notice and the statement must be completed at least 30 days before any hearing.<sup>54</sup>

Additionally, victims may write a recommendation on parole, request no contact with the individual as a condition of parole, and request a meeting with a commissioner.<sup>55</sup> Victims may also request an open hearing and present oral testimony at the hearing.<sup>56</sup> The incarcerated individual may review the victim’s impact statement and written recommendation.<sup>57</sup> If an individual is likely to die within six months, the Commission may reduce or waive time limits related to victim notice and opportunity to be heard.<sup>58</sup>

**Hearing** – The Commission conducts hearings for Geriatric Parole in the same manner hearings are conducted for parole generally.<sup>59</sup> Hearings must be conducted as soon as possible; if a risk assessment is ordered, the hearing must be conducted on completion of the assessment.<sup>60</sup> Hearings are conducted by either hearing examiners or commissioners acting as hearing examiners and at least two commissioners are assigned to hear cases as a panel.<sup>61</sup> The hearing examiner or a two-member Commission panel determine whether the incarcerated individual is suitable for parole based on the given factors.<sup>62</sup>

If a hearing is conducted by a hearing examiner, the examiner notifies the individual of their recommendation at the conclusion of the hearing and within 21 days they submit a report of their findings and recommendation to the Commission and individual.<sup>63</sup> The individual or the Commissioner of Correction may file written exceptions to the report within five days.<sup>64</sup> The Commission may schedule a hearing, either based on an exception or its own initiative, to review the case and will deliver a written decision on any exception.<sup>65</sup> The Commission's decision is final.<sup>66</sup>

**Decision** – For cases heard by hearing examiners, if no exception is filed and the Commission takes no action within five days of receiving the examiner's report, the recommendation of the hearing examiner is approved.<sup>67</sup> Hearings conducted by a panel of two commissioners require a unanimous decision from the commissioners; if a unanimous decision is not reached, a three-commissioner panel rehears the case and determines whether to grant parole by majority vote.<sup>68</sup> The Commission informs the incarcerated individual and the correctional authority of the decision as soon as possible.<sup>69</sup>

**Denials** – If parole is denied, the Commission provides a report of its findings to the incarcerated individual within 30 days.<sup>70</sup> An individual denied Geriatric Parole may not have another parole hearing for five years, unless the Commission determines “extraordinary and compelling circumstances” require one.<sup>71</sup>

## **V. POST-DECISION**

**Conditions** – The new law does not provide any information on conditions required for Geriatric Parole.

**Revocation** – The new law does not provide any information on the revocation of Geriatric Parole. Procedures for revocation of parole generally may apply.<sup>72</sup>

## **VI. REPORTING AND STATISTICS**

The Commission must report to the Justice Reinvestment Oversight Board on Geriatric Parole outcomes each year, including

- The number of individuals released and denied release.
- The reason for the decision to release or deny release.
- The number of individuals convicted of an offense after release.
- The average time between when an individual becomes eligible for parole and when the first hearing happens.
- The average time between hearings.

There is currently no public information available on the number of Geriatric Paroles annually.

## **MARYLAND COMPASSIONATE RELEASE**

### **PRIMARY LEGAL SOURCES**

#### **MEDICAL PAROLE**

##### **Statute**

Maryland Code, Correctional Services § 7-309 (amended version effective Oct. 1, 2025) (not currently published online in the Maryland Code). See Senate Bill 181 for text of the statutes as passed by the Maryland General Assembly and approved by the Governor (S.B. 181, Gen. Assemb., 447th Sess., (Md. 2025), [https://mgaleg.maryland.gov/2025RS/Chapters\\_noln/CH\\_102\\_sb0181e.pdf](https://mgaleg.maryland.gov/2025RS/Chapters_noln/CH_102_sb0181e.pdf)).

#### **GERIATRIC PAROLE**

##### **Statute**

Maryland Code, Correctional Services § 7-310 (amended version effective Oct. 1, 2025) (not currently published online in the Maryland Code). See Senate Bill 181 for text of the statutes as passed by the Maryland General Assembly and approved by the Governor (S.B. 181, Gen. Assemb., 447th Sess., (Md. 2025), [https://mgaleg.maryland.gov/2025RS/Chapters\\_noln/CH\\_102\\_sb0181e.pdf](https://mgaleg.maryland.gov/2025RS/Chapters_noln/CH_102_sb0181e.pdf)).

## NOTES

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\* *Id.* means see prior note.

<sup>1</sup> Md. Code, Corr. Servs. § 7-309 (amended version effective Oct. 1, 2025).

<sup>2</sup> Md. Code, Corr. Servs. § 7-310 (in effect Oct. 1, 2025).

<sup>3</sup> Citations are written as though the statutes are in effect and codified. See also S.B. 181, 2025 Gen. Assemb., 447th Sess. (Md. 2025), [https://mgaleg.maryland.gov/2025RS/Chapters\\_noln/CH\\_102\\_sb0181e.pdf](https://mgaleg.maryland.gov/2025RS/Chapters_noln/CH_102_sb0181e.pdf), for text of the statutes as passed by the Maryland General Assembly and approved by the Governor.

Regulations and policies published or in effect before October 1, 2025, are not included in this document and may conflict with information presented here.

<sup>4</sup> Md. Code, Corr. Servs. § 7-309(c)(1).

<sup>5</sup> *Id.* § 7-309(c)(2)(i).

<sup>6</sup> *Id.* § 7-309(c)(2)(ii).

<sup>7</sup> *Id.* § 7-309(a)(2)(i).

<sup>8</sup> *Id.* § 7-309(a)(2)(ii).

<sup>9</sup> *Id.* § 7-309(a)(3).

<sup>10</sup> *Id.* § 7-309(b).

<sup>11</sup> *Id.* § 7-309(e).

<sup>12</sup> *Id.* § 7-309(e)(1).

<sup>13</sup> *Id.* § 7-309(c).

<sup>14</sup> *Id.* § 7-309(d)(1)(i), (d)(2)(i).

<sup>15</sup> *Id.* §§ 7-205(a) (2025), 7-309.

<sup>16</sup> *Id.* § 7-309(d)(1).

<sup>17</sup> *Id.* § 7-309(d)(1)(ii).

<sup>18</sup> *Id.* § 7-309(d)(1)(iii).

<sup>19</sup> *Id.* § 7-309(d)(1)(iv).

<sup>20</sup> *Id.* § 7-309(j)(2).

<sup>21</sup> Md. Const., Declaration of Rights, art. 47(b) (2025).

<sup>22</sup> Md. Code, Corr. Servs. § 7-801(b) (2025).

Note the statute does not discuss the timeline for victim notice and participation if the parole process does not include a hearing, which the Medical Parole process does not require.

<sup>23</sup> *Id.* § 7-801(c), (f).

<sup>24</sup> *Id.* § 7-801(d). These must be completed at least 30 days before a hearing.

<sup>25</sup> *Id.* § 7-801(g), referencing Md. Code, Corr. Servs. § 7-304(a) (2025).

<sup>26</sup> *Id.* § 7-801(e).

<sup>27</sup> *Id.* § 7-309(j)(1), (3).

<sup>28</sup> *Id.* § 7-309(f)(1).

<sup>29</sup> *Id.* § 7-309(f)(2)(i).

<sup>30</sup> *Id.* § 7-309(f)(2)(ii).

<sup>31</sup> *Id.* § 7-309(g).

<sup>32</sup> *Id.* § 7-309(h)(1).

<sup>33</sup> *Id.* § 7-309(h)(2).

<sup>34</sup> *Id.* § 7-309(i).

<sup>35</sup> *Id.* § 7-309(i)(1).

<sup>36</sup> *Id.* § 7-309(i)(2)(i).

<sup>37</sup> *Id.* § 7-309(i)(2)(ii).

<sup>38</sup> *Id.* § 7-208 (2025).

<sup>39</sup> Maryland Parole Commission, *Annual Report for Fiscal Year 2023* (Oct. 10, 2023), <https://www.dpscs.state.md.us/publicinfo/publications/pdfs/annual-reports/Annual%20Report%20FY%202023%20Maryland%20Parole%20Commission.pdf> (start at source site <https://www.dpscs.state.md.us/publicinfo/publications/annuals.shtml#mpc> and scroll to about mid-page under “Maryland Parole Commission”).

<sup>40</sup> Maryland Parole Commission, *Annual Report for Fiscal Year 2024* (Oct. 15, 2023), <https://www.dpscs.state.md.us/publicinfo/publications/pdfs/annual-reports/Annual%20Report%20FY%202024%20Maryland%20Parole%20Commission.pdf> (found via search engine, not published on publication list as of May 20, 2025).

<sup>41</sup> Md. Code, Corr. Servs. § 7-310(a)(1)-(2).

<sup>42</sup> *Id.* § 7-310(a)(5).

<sup>43</sup> *Id.* § 7-310(a)(3), referencing Md. Code, Crim. Proc. § 11-701 (2025).

<sup>44</sup> *Id.* § 7-310(a)(4).

<sup>45</sup> *Id.* § 7-310(b).

<sup>46</sup> *Id.* § 7-310(c)(1), referencing Md. Code, Crim. Law § 14-101 (2025).

Crimes of violence include, but are not limited to, kidnapping, first-degree arson, manslaughter, murder, rape, carjacking, robbery, first-degree and second-degree sexual offenses, child abuse, first-degree assault, and assault with the intent to commit murder, rape, robbery, or a sexual offense (Md. Code, Crim. Law § 14-101(a) (2025)).

<sup>47</sup> Md. Code, Corr. Servs. § 7-310(c)(2).

<sup>48</sup> *Id.* § 7-205(a)(1).

<sup>49</sup> *Id.* § 7-305(1)-(11) (amended version effective Oct. 1, 2025).

<sup>50</sup> Md. Code, Corr. Servs. §§ 7-305(5), 7-310(f).

<sup>51</sup> Md. Const., Declaration of Rights, art. 47(b) (2025).

<sup>52</sup> *Id.*

<sup>53</sup> Md. Code, Corr. Servs. § 7-801(b) (2025).

Note the statute does not discuss the timeline for victim notice and participation if the parole process does not include a hearing, which the Medical Parole process does not require.

- <sup>54</sup> *Id.* § 7-801(c), (f).
- <sup>55</sup> *Id.* § 7-801(d). These must be completed at least 30 days before a hearing.
- <sup>56</sup> *Id.* § 7-801(g), referencing Md. Code, Corr. Servs. § 7-304(a) (2025).
- <sup>57</sup> *Id.* § 7-801(e).
- <sup>58</sup> *Id.* § 7-309(j)(1),(3).
- <sup>59</sup> *Id.* § 7-310(d)(1), referencing Md. Code, Corr. Servs. §§ 7-306, 7-307 (2025).
- <sup>60</sup> *Id.* § 7-310(d)(2).
- <sup>61</sup> *Id.* §§ 7-306(a)(1), 7-307(a)(1).
- <sup>62</sup> *Id.* §§ 7-306(c), 7-307(b)(1)(i).
- <sup>63</sup> *Id.* § 7-306(d)(1)-(2).
- <sup>64</sup> *Id.* § 7-306(d)(3).
- <sup>65</sup> *Id.* § 7-306(e)(2)(i)-(ii).
- <sup>66</sup> *Id.* § 7-306(e)(2)(iii).
- <sup>67</sup> *Id.* § 7-306(e)(3).
- <sup>68</sup> *Id.* § 7-307(b).
- <sup>69</sup> *Id.* § 7-307(d)(1).
- <sup>70</sup> *Id.* § 7-307(d)(2).
- <sup>71</sup> *Id.* § 7-310(e).
- <sup>72</sup> *See id.* § 7-401 (2025) for the revocation of the parole process generally.