

and Correctional Services designates the chairperson of the Commission.

The Commission utilizes hearing examiners to hear certain cases for parole release. The Commission itself has the exclusive power to hear certain serious cases for parole release and has the exclusive power to conduct hearings for revocation of parole. The jurisdiction of the Commission extends to persons sentenced under the laws of this State to any penal or correctional institution, including local jails and detention centers. It has the power to issue warrants for the return to custody of alleged violators of parole and to suspend or revoke parole upon a showing of a violation of the conditions thereof.

Decisions of its hearing examiners, if concurred in by the Commission on summary review, become final. A final decision of the hearing examiner may be appealed to a panel of Commission members for review upon the record. The decision of the appeal panel is final.

The Commission must provide a parole interview for every inmate at no later than one-fourth of the sentence. Such hearings are conducted at every penal and correctional institution not less than monthly, and at jails and other places of penal confinement or detention in the State as often as may be required to provide the hearing mandated at the completion of one-fourth of the total sentence. The Commission is also charged with the duty of evaluating information on the activity of parolees as reported to it by the Division of Parole and Probation. In addition, it causes investigations to be made by the Division of Parole and Probation and holds hearings for the purpose of making recommendations to the Governor for his granting of pardons, commutations of sentences, and parole of persons sentenced to life imprisonment. The Commission is also authorized to negotiate and execute tri-party contracts for the release on parole of an inmate at a predetermined future date, conditioned upon the fulfillment of the conditions specified in the agreement. The signatories to such mutual agreements are the Parole Commission, the Commissioner of Correction, and the inmate (Code 1957, Art. 41, secs. 107-117).

PATUXENT INSTITUTION

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Patuxent Institution was first authorized by Chapter 476, Acts of 1951, and was charged with the responsibility for the confinement and treatment, when appropriate, of adult criminal offenders classified as defective delinquents under Article 31B of the Maryland Code. A defective delinquent was defined as "an individual who by the demonstration of persistent aggravated antisocial or criminal behavior, evidences a propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require such confinement and treatment, when appropriate, as may make it reasonably safe for society to terminate the confinement and treatment." It was also charged with the confinement and diagnosis of offenders referred to the Institution by the courts for determination of their condition under that statute. The Institution conducted a thorough psychiatric evaluation of each offender so referred and rendered a formal opinion to the court of jurisdiction. If the Institution recommended against commitment, the court returned the offender to the Division of Correction where he continued to serve his original criminal sentence. If the Institution recommended that the offender be confined at the Institution, the court promptly provided a hearing, sitting as a court or with a jury, and found by a special verdict whether or not the offender was a defective delinquent as defined in Article 31B. Commitment as a defective delinquent under Article 31B was for an indeterminate period subject to the order of the Institutional Board of Review or the courts.

The Institution was formally opened on January 3, 1955, under the administrative control of the Department of Correction. By Chapter 629, Acts of 1961, the Institution became an autonomous agency under the control of the Board of Patuxent Institution. By Chapter 401, Acts of 1970, the Institution became a part of the Department of Public Safety and Correctional Services, retaining its status as an institution separate from the Division of Correction and retaining its Board of Patuxent Institution.

By Chapter 678, Acts of 1977, the General Assembly repealed the original Article 31B entitled Defective Delinquents and enacted a totally