

INMATE OR THE INMATE'S REPRESENTATIVE MAY, ON REQUEST, EXAMINE ANY DOCUMENT THAT THE COMMISSION OR HEARING EXAMINER WILL USE IN DETERMINING WHETHER THE INMATE IS SUITABLE FOR PAROLE.

(II) A DOCUMENT, OR A PORTION OF IT, IS NOT AVAILABLE FOR EXAMINATION, IF THE COMMISSION DETERMINES THAT:

1. THE DOCUMENT OR PORTION CONTAINS A DIAGNOSTIC OPINION;
2. THE INMATE'S KNOWLEDGE OF THE DOCUMENT OR PORTION WOULD DISRUPT SERIOUSLY A PROGRAM OF REHABILITATION;
3. THE DOCUMENT OR PORTION CONTAINS SOURCES OF INFORMATION OBTAINED ON A PROMISE OF CONFIDENTIALITY; OR
4. THE DOCUMENT OR PORTION IS OTHERWISE PRIVILEGED.

(III) IF THE COMMISSION DETERMINES THAT A DOCUMENT OR A PORTION OF IT IS NOT AVAILABLE FOR EXAMINATION, THE COMMISSION SHALL NOTIFY THE INMATE THAT:

1. THE DOCUMENT OR PORTION IS NOT AVAILABLE FOR EXAMINATION; AND
2. ON REQUEST AND IF APPROPRIATE, THE COMMISSION WILL PROVIDE THE INMATE OR THE INMATE'S REPRESENTATIVE WITH THE SUBSTANCE OF ANY INFORMATION CONTAINED IN THE DOCUMENT OR PORTION.

(2) THE COMMISSION SHALL DELETE THE ADDRESS AND PHONE NUMBER OF THE VICTIM OR THE VICTIM'S DESIGNATED REPRESENTATIVE FROM A DOCUMENT BEFORE THE INMATE OR THE INMATE'S REPRESENTATIVE EXAMINES THE DOCUMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-505.

In subsections (a)(2) and (b)(1)(i) of this section, the references to determining "whether the inmate is suitable for parole" are added to state expressly that which was only implied in the former references to a "determination".

Defined terms: "Commission" § 7-101

"Inmate" § 1-101

"Parole" § 7-101

7-304. WHEN HEARING OPEN TO PUBLIC; ATTENDANCE BY VICTIM OR VICTIM'S REPRESENTATIVE.

(A) WHEN HEARING OPEN TO PUBLIC.