

A HEARING EXAMINER SHALL DETERMINE IF AN INMATE IS SUITABLE FOR PAROLE IN ACCORDANCE WITH THE STANDARDS SPECIFIED IN § 7-305 OF THIS SUBTITLE.

(D) RECOMMENDATIONS AND REPORT OF HEARING EXAMINER; EXCEPTIONS.

(1) AT THE CONCLUSION OF THE HEARING, THE HEARING EXAMINER SHALL INFORM THE INMATE OF THE HEARING EXAMINER'S RECOMMENDATION FOR PAROLE OR DENIAL OF PAROLE.

(2) WITHIN 21 DAYS AFTER THE HEARING, THE HEARING EXAMINER SHALL GIVE TO THE COMMISSION, THE COMMISSIONER OF CORRECTION, AND THE INMATE A WRITTEN REPORT OF THE HEARING EXAMINER'S FINDINGS AND RECOMMENDATION FOR PAROLE OR DENIAL OF PAROLE.

(3) THE COMMISSIONER OF CORRECTION OR THE INMATE MAY FILE WITH THE COMMISSION WRITTEN EXCEPTIONS TO THE REPORT OF A HEARING EXAMINER NO LATER THAN 5 DAYS AFTER THE REPORT IS RECEIVED.

(E) REVIEW OF RECOMMENDATION OF HEARING EXAMINER.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONE COMMISSIONER ASSIGNED BY THE CHAIRPERSON OF THE COMMISSION SHALL REVIEW SUMMARILY THE RECOMMENDATION OF THE HEARING EXAMINER.

(2) (I) THE COMMISSION, ON ITS OWN INITIATIVE OR ON THE FILING OF AN EXCEPTION, MAY SCHEDULE A HEARING ON THE RECORD BY THE ENTIRE COMMISSION OR BY A PANEL OF AT LEAST TWO COMMISSIONERS ASSIGNED BY THE CHAIRPERSON OF THE COMMISSION.

(II) THE COMMISSION OR PANEL SHALL RENDER A WRITTEN DECISION ON THE APPEAL.

(III) THE DECISION OF THE COMMISSION OR PANEL IS FINAL.

(3) IF AN EXCEPTION IS NOT FILED AND THE COMMISSION DOES NOT ACT ON ITS OWN INITIATIVE WITHIN THE 5-DAY APPEAL PERIOD ESTABLISHED UNDER SUBSECTION (D)(3) OF THIS SECTION, THE RECOMMENDATION OF THE HEARING EXAMINER IS APPROVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-508(a), (b), (c), (d)(1), (2), and (3), and (e).

In subsection (b) of this section, the reference to the duty of "[t]he Commission" to keep a record of each hearing is added to state expressly that which was only implied in the former law, *i.e.*, the Commission is the entity that is responsible for keeping a record of each hearing.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section requires a hearing examiner to determine whether an inmate is suitable for parole in accordance with the "standards" specified in § 7-305 of this subtitle. The Committee believes that this reference to "standards" is