

consideration by the General Assembly, that subsection (b)(1) of this section provides that an individual is entitled to be represented at a parole revocation hearing by counsel of the individual's choice or "counsel provided by the Public Defender's Office". The Committee believes that the part of subsection (b)(1) that refers to the Public Defender's Office is inconsistent with Art. 27A, which requires that the Public Defender's Office provide representation only to "eligible" individuals. The General Assembly may wish to amend subsection (b)(1) to provide that an individual is entitled to be represented at a parole revocation hearing by counsel of the individual's choice or, "if eligible", by the Public Defender's Office.

In subsection (b)(2) of this section, the reference to the duty of "the Commission" to keep a record of each hearing is added to state expressly that which was only implied in the former law.

In subsection (e)(1) of this section, the reference to the inmate's right to "seek judicial review" is substituted for the former reference to the inmate's right to "appeal" for accuracy. See, e.g., Md. Rule 7-201. Correspondingly, in subsection (e)(2) of this section, the reference to the "action" is substituted for the former reference to the "appeal".

Defined terms: "Commission" § 7-101

"Commissioner" § 7-101

"Division of Correction" § 1-101

"Inmate" § 1-101

"Local correctional facility" § 1-101

"Parole" § 7-101

"Parolee" § 7-101

"Violent crime" § 7-101

#### 7-402. MODIFICATION OF PAROLE.

##### (A) GROUNDS; CONDITIONS.

(1) ON RECOMMENDATION OF THE DIVISION OF PAROLE AND PROBATION OR ON THE COMMISSION'S OWN INITIATIVE, THE COMMISSION MAY MODIFY THE CONDITIONS OF PAROLE AT ANY TIME FOR GOOD CAUSE.

(2) THE MODIFICATION MAY INCLUDE IMPOSING HOME DETENTION AS A CONDITION OF PAROLE.

##### (B) PROCEDURES.

(1) THE COMMISSION SHALL ADOPT PROCEDURES FOR THE MODIFICATION OF CONDITIONS OF PAROLE THAT GIVE A PAROLEE AN OPPORTUNITY TO SHOW WHY THE CONDITIONS SHOULD NOT BE MODIFIED.

(2) THIS SECTION DOES NOT REQUIRE A HEARING OR ESTABLISH A RIGHT OF JUDICIAL REVIEW.