



Testimony for the House Judiciary Committee
March 10, 2016

HB 882 Inmates - Life Imprisonment - Parole Reform

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SUPPORT

The ACLU of Maryland supports HB 882, which would eliminate the need for the Governor's approval of parole for individuals sentenced to life with the possibility of parole. Maryland's current practice of requiring gubernatorial approval inappropriately politicizes the parole process and disregards both the intent of the judges who sentence individuals to parole-eligible sentences and the expertise of the Parole Commission.

Maryland law offers judges the option of sentencing individuals to life with the possibility of parole (as well as life without parole). An individual sentenced to a parole-eligible life sentence may be considered for parole after serving a substantial number of years in prison and meeting certain other eligibility requirements. The Maryland Parole Commission, using an intense and rigorous process, evaluates those individuals to determine whether they can safely be returned to the community, considering both the seriousness of the offense and the demonstration of rehabilitation. And that is where the system stops in Maryland. Former Governor O'Malley adopted a policy of "life means life," and thus did not approved a recommendation for parole during his two terms. As a result, current Maryland law effectively elevates politics over policy, to the detriment of our system of justice and real individuals.

In 2011, the Maryland General Assembly expressed its opposition to such a senseless approach by passing legislation that required the Governor to review Parole Commission decisions within 180 days after Commission approval and either allow the person to be released or veto the decision. But it is clear that this step was not sufficient to take the politics out of parole: then-Governor O'Malley denied the application of every case that came to his desk. As of March 2010, only 59 out of more than 2,600 "lifers" had made it through the intensely rigorous process of the Parole Commission and had their applications approved by the Commission and sent on to the Governor's office for final approval. As of 2012, *not a single one* of these carefully-screened individuals has been permitted to become a productive member of society, because the Governor denied the recommendation of the Parole Commission in every case he acted upon: 57 cases.¹ Maryland has a new Governor, and it remains to be seen how he will handle recommendations by the Parole Commission. But Judge's decisions to grant life with parole or life without parole should not be rendered meaningless based upon who sits in the Governors office.

Maryland is one of only three states that politicizes the possibility of parole.² HB

¹ The Washington Post online, "O'Malley Commutes Sentences of two convicted for Murder," (Mar. 29, 2012, 10:47pm).

² California and Arkansas also have systems in which the Governor must approve the parole decision.

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882 seeks to take the politics out of parole by leaving the decision to parole up to the Parole Commission. No one is better poised to make that judgment than the parole commissioners, who are appointed by the Governor and who conduct face-to-face interviews with potential parolees because we recognize that fairness and good policy require it.

For these reasons, we urge you to issue a favorable recommendation for HB 882.

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