



Testimony for the House Judiciary Committee  
February 15, 2017

HB 846 Inmates - Life Imprisonment - Parole Reform

SONIA KUMAR  
STAFF ATTORNEY

SUPPORT

The ACLU of Maryland supports HB 846, which would bring Maryland into line with other states by giving the final say on parole for individuals serving parole-eligible life sentences with the Parole Commission. Currently, Maryland is one of only three states in the country that adds an additional political step, requiring the Governor to personally approve parole for any individual serving a parole-eligible life sentence.<sup>1</sup> Ever since the 1990s, Maryland Governors have essentially refused to parole lifers regardless of individual merit and despite the fact that these individuals were sentenced with an understanding that, if they earned it, they would have a meaningful chance to live outside prison walls.

Maryland's current practice 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 is supposed to treat life and life without parole sentences differently. In Maryland, more than 2,000 individuals are serving sentences of life with the possibility of parole, including nearly 300 whose offenses were committed at age 17 or younger. (An additional 300 people are serving life without parole sentences). Individuals serving life with parole were sentenced with the understanding that, if they demonstrated their rehabilitation, one day they would receive meaningful consideration for release.

But in the 1990s, Maryland Governors instituted a policy of denying lifers parole, regardless of individual merit, essentially changing their sentences to life without parole.<sup>2</sup> This policy has become so entrenched that except for one individual paroled to a nursing home last year, *no lifer has been paroled by a Governor in Maryland in nearly a quarter of a century*—during the tenure of four different Governors—no matter how thoroughly he or she has been rehabilitated.<sup>3</sup> Many lifers have now spent three or four decades doing everything within their power to make things right – being model prisoners, holding jobs, mentoring younger prisoners, and more, only to be denied any hope of release. Maryland is spending millions of dollars incarcerating people who have demonstrated that they can safely

<sup>1</sup> The other states are California and Oklahoma.

<sup>2</sup> In the years prior, Governors routinely paroled lifers. Between 1969-1995, 181 lifers were paroled.

<sup>3</sup> A handful of individuals' sentences have been commuted in the last two decades, meaning that the Governor reduced their sentence. There are no standards governing commutations and no requirement of continuing supervision by the Courts. In contrast, a person who is paroled from a life sentence remains under supervision.

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

WWW.ACLU-MD.ORG

COLEMAN BAZELON  
PRESIDENT

SUSAN GOERING  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

return to their communities.

In 2011, the Maryland General Assembly expressed its opposition to this senseless approach and attempted to craft a compromise by passing legislation that required the Governor to act on Parole Commission decisions within 180 days after Commission approval. But it is clear that this step was not sufficient to take the politics out of parole: then-Governor O'Malley simply denied the application of the dozens of cases on his desk. Nothing has changed under the current Governor.

This bill seeks to bring Maryland into line with other states—most states routinely parole lifers who are serving parole-eligible sentences. HB 846 makes no changes to the parole process except to take some of the politics out of parole by giving the final decision to the Parole Commission instead of the Governor. It does not guarantee the release of any person. In fact, the bill makes no change to parole eligibility, the time individuals must serve before being considered, or the rigorous, multi-step process that the Parole Commission uses to evaluate people for parole, including the seriousness of the offense, victim impact, and psychological assessments. The current practice of the Parole Commission is to recommend people serving life-with-parole sentences for parole only in the rarest of cases.<sup>4</sup>

HB 846 seeks to take the politics out of parole by leaving the decision to parole up to the Parole Commission. This change will not open any floodgates. It simply makes it possible for people with parole-eligible sentences to be released *if* the Parole Commission makes the decision to recommend them after its extensive vetting—the way the system is supposed to work.

For these reasons, we urge you to issue a favorable recommendation for HB 846.

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<sup>4</sup> In response to a Public Information Act request, the Parole Commission indicated it has recommended less than ten people for parole—out of more than 2,000—in the last ten years. An additional number of people have been recommended for commutations, averaging to about 4 per year, depending on the year.