



Testimony for the House Judiciary Committee
February 20, 2017

HB 963 Correctional Services - Eligibility for Parole - Violent Crime

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UNFAVORABLE

The ACLU of Maryland opposes HB 963, which would alter parole eligibility for persons sentenced for a violent crime committed on or after October 1, 2018 such that parole eligibility would be delayed even further than existing law allows.

Enhanced sentences are expensive and yield little or no public safety returns

HB 963 is effectively an enhanced penalty for persons sentenced after October 1, 2018. Enhanced sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for release. This is not only a waste of existing correctional resources; it is also a waste of current and future taxpayer dollars. Maryland currently expends on average \$3,800 per month per inmate in state facilities. Only two years ago, the General Assembly passed the Justice Reinvestment Act in an effort to curb the bloated prison population while maintaining public safety. HB 693 potentially undermines the progress and savings under the JRA, which the state is only just beginning to realize.

Moreover, no evidence indicates that there is a public safety benefit to increasing sentence lengths. Indeed, the evidence shows that more severe sentences do not deter crime more effectively than less severe sentences.¹ In researching the correlation between severe sentences and crime deterrence, Professors Durlauf & Nagin found that the marginal deterrent effect of increasing already lengthy prison sentences is modest at best and evidence suggests the possibility of a negative criminogenic effect from imprisonment.² Therefore, it is highly questionable whether increasing the minimum amount of time served before an individual is eligible for parole will increase public safety.

In its final report to the General Assembly, the Justice Reinvestment Coordinating Council noted:

A growing body of criminological research demonstrates that prison terms are not more likely to reduce recidivism than noncustodial sanctions. For some offenders, including drug offenders, technical violators, and first-time offenders, studies have shown that prison can

¹ Durlauf & Nagin, *Imprisonment and Crime: Can Both Be Reduced?*, 10 CRIMINOLOGY & PUBL. POL'Y, 13, 37-38 (2011)

² *Id.*

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actually increase the likelihood of recidivism. There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.³ (*internal citations omitted*)

Raising the time-served requirement serves no practical purpose

At best, HB 693 is unnecessary. Maryland law offers judges the option of sentencing individuals to life with the possibility of parole as well as life without parole. Under current law, 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 return to the community, considering both the seriousness of the offense and the demonstration of rehabilitation. Individuals whose applications are approved by the Commission may only be paroled with the Governor's approval.

As of 2010 only 59 out of more than 2,600 persons serving life with the possibility of parole 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. HB 693 is therefore unnecessary—virtually no one sentenced to life with the possibility of parole has been paroled, so raising the time served requirement is of no utility.

For the foregoing reasons, we urge an unfavorable report on HB 693.

³ Maryland Justice Reinvestment Coordinating Council—Final Report (December 2015).