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**Testimony for the Senate Judicial Proceedings Committee
February 26, 2015**

SB 336 Correctional Services - Elderly Inmates - Compassionate Release

SUPPORT

The ACLU of Maryland supports SB 336, which provides that inmates over 64 years old who have served at least 20 years imprisonment may seek compassionate release from prison and if denied, the Parole Commission may house those individuals in separate facilities reserved for the elderly.

There are too many aging prisoners behind bars—in Maryland and nationally

Between 1997–2007, Maryland’s elderly population increased by 124%, although the total prison population grew by 2%. Nationally, in 1981, there were 8,853 state and federal prisoners age 55 and older. As of 2012, that number had ballooned to 124,900, and experts project that by 2030, this number will be over 400,000—amounting to over one-third of prisoners in the United States.

Imprisoning aging prisoners is expensive

In 2012, state and federal governments spent approximately \$77 billion annually to run our penal system. Over the last 25 years, state corrections spending grew by 674%, and these corrections costs are mainly spent on incarceration, and incarcerating aging prisoners costs far more than younger ones. A 2012 report found that it costs \$34,135 per year to house an average prisoner, but it costs \$68,270 per year to house a prisoner age 50 and older. Therefore, imprisoning these aging individuals is costing taxpayer dollars that could be better spent on other public safety measures.

Imprisoning the elderly does not enhance public safety

Research has shown that by age 50, most people have outlived the years in which they are most likely to commit crimes. For example, arrest rates drop to just over 2% at age 50 and are almost 0% at age 65. Therefore, releasing aging prisoners would not pose a threat to public safety.¹

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 336.

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¹ See *At America's Expense—The Mass Incarceration of the Elderly*, The American Civil Liberties Union (June 2012), available at http://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf. (cited throughout, internal citations omitted).