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**Testimony for the Senate Judicial Proceedings Committee
March 24, 2015**

**SB 849 Criminal Procedure - Life Without Parole -
Jury Sentencing Repeal**

OPPOSE

The ACLU of Maryland opposes SB 849, which would remove the requirement that after conviction, persons be sentenced to life without parole only by a separate unanimous jury finding.

Imposition of a sentence of life without parole—the most severe sentence available in Maryland—properly warrants enhanced scrutiny. Many other jurisdictions recognize that the harsh penalty of life without parole warrants a greater level of review. For example, New Mexico requires that a jury unanimously find that an aggravating factor was present in order for the defendant to be sentenced to life without parole. Also, Illinois requires that a jury be unanimous in deciding to sentence someone to life without parole. Given the severity of a life without parole sentence, the current requirement that a jury unanimously agree to exact this sentence should remain.

The imposition of life without parole sentences disproportionately affects persons of color. As of 2008, African Americans comprised about 48% of those sentenced to life without parole nationally;¹ African Americans comprised about 12 percent of the population. By repealing crucial due process safeguards in sentencing, SB 849 threatens to exacerbate already troubling racial disparities in the imposition of life without parole.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on SB 849.

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¹ Ashley Nellis, *Tinkering with Life: A Look at the Inappropriateness of Life Without Parole as an Alternative to the Death Penalty*, U. Miami L. Rev., 2013.