



J. CHARLES SMITH, III
STATE'S ATTORNEY

STATE'S ATTORNEY FOR FREDERICK COUNTY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

January 13, 2020

Re: SB 36 – Correctional Services – Eligibility for Parole – Life Imprisonment

Dear Chair, Vice Chair and Committee Members:

Since the increase in penalty for second-degree murder, an anomaly in the law has resulted. Those convicted of first-degree murder are actually eligible for parole at an earlier date (15 years less credits) than those convicted of murder in the second degree who are given the maximum penalty of 40 years (eligibility after 20 years less credits). Explaining this to the family of a homicide is extremely difficult. It defies logic, and defiles those murdered.

Senate Bill 36 would address this discrepancy so that a person convicted of first-degree murder would not be eligible for parole before they served 25 years.

Quite frankly, I disagree. It should be 30 years.

Defendants who are serving a sentence of 60 or more executed years in prison are considered by the Court of Appeals to be serving a "de facto" life sentence. Therefore, if a defendant is given a life sentence, it is fair to equate that to a sentence of at least 60 years. This sentence would mean that the Defendant would not be eligible for parole until they have served 30 years.

Sincerely,

J. Charles "Charlie" Smith III
State's Attorney for Frederick County, Maryland