



POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 202
POSITION: Support
DATE: February 1, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 202.

Senate Bill 202 removes the Governor from the parole process for people serving life sentences, and places the responsibility for making this decision where it belongs – with the Maryland Parole Commission. The Commissioners care deeply about public safety. More than half of the current Commissioners are former police officers or sheriff’s deputies. By virtue of doing this work full-time, Commissioners develop expertise and have time to devote to cases that a governor simply does not have. Nor is it wise public policy to require our Governor and his staff to spend their valuable time second-guessing these experts on individual cases when that time would be much better spent on the myriad other big picture issues that cross his desk – like the ongoing pandemic.

This bill is not a referendum on Governor Hogan’s approach to parole. Variations of this bill have been offered for at least the last ten years. The original impetus was the fact that Governor Hogan’s predecessors flatly rejected nearly every recommendation, resulting in virtually no lifers being paroled for more than 20 years. To his credit, Governor Hogan has taken a different approach and allowed a significant number of lifers to be paroled. But there is absolutely no reason to believe that his successor will be any more willing to uphold the Parole Commission’s decisions to release lifers than his last three predecessors.

When a judge sentences a person to life with the possibility of parole, basic fairness demands that this possibility be a meaningful one. Whether a lifer gets paroled ought to depend on whether they have earned that second chance, not on who happens to be the governor at the time.

For further information please contact Brian Saccenti, Chief Attorney, Appellate Division, by email at brian.saccenti@maryland.gov or by phone at 410-206-3225.

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For these reasons, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 202.