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Legislative District 10
Baltimore County

—
Chair
Finance Committee

—
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THE SENATE OF MARYLAND
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TESTIMONY OF SENATOR DELORES G. KELLEY
REGARDING SENATE BILL 202-CORRECTIONAL SERVICES-
PAROLE-LIFE IMPRISONMENT BEFORE THE HOUSE
JUDICIARY COMMITTEE

March 26, 2021

Mr. Chairman and Members:

The main purpose of this Bill is to eliminate unwarranted disparity and the lack of transparency in Maryland's response to petitions for parole consideration for parole-eligible lifers. In addition, Senate Bill 202 also increases the time that such an inmate must serve from, 15 years to 20 years, before gaining eligibility for parole consideration. The Bill applies to both

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parole-eligible lifers whose petitions are handled by either the Maryland Parole Commission or by the Patuxent Board of Review, and takes the Governor out of the approval process.

Maryland is one of only three states in which an inmate serving a parole-eligible life sentence, and recommended for parole by the Maryland Parole Commission can be denied parole unless the Governor approves. The only other such states are California and Wyoming.

Parole-eligible lifers, after decades of incarceration tend to have health challenges, and age-related disabilities which pose significant costs to Maryland taxpayers, and at a time in the life cycle when many such inmates have little probability of eroding public safety.

Under the current statutory scheme, any parole petition from a parole-eligible inmate requires affirmative action on the part of the governor within 180 days following an unanimous recommendation by 2 parole commissioners. While some previous administrations denied parole to all parole-eligible lifers, the Maryland Parole Commission has quietly recommended that governors commute these inmates' life sentences to a specific term of years so that the Parole Commission can later parole such formerly life-eligible inmates from the number of years to which their original life terms were quietly commuted by a governor.

This two-step strategy lacks prior notice or any required public documentation after the fact. Without sunshine or transparency,

governors have little concern regarding the need for victim notification or for disapproval by the general public. The behind the scenes use of commutation also shields governors from public knowledge or displeasure about hidden demographic disparity.

Two recent Governors, Glendening and Ehrlich, during their terms of office, supported the current flawed system, but both have since announced their strong regret and are on public record as supporting reforms, such as those represented by Senate Bill 202.

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Maryland could also use the budgetary savings from releasing certain parole-eligible lifers with chronic disabilities, extreme old age, or even the need for hospice, while not eroding public safety. Maryland also needs to accomplish such goals with transparency, public accountability, and without unwarranted disparity.

This General Assembly can facilitate justice, fairness, and transparency by removing the ability of governors to impact the granting or withholding of parole for parole-eligible lifers, who have been expertly vetted and recommended for parole by either of the two applicable commissioners.

I therefore ask for your strong support of SB 202.