



**PREPARE**  
PREpare for PARole and REentry

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### **SBO128 - Correctional Services - Geriatric and Medical Parole - Support only if Amended**

As a parole advocate, and someone who is deeply concerned with over incarceration, and particularly that of the low-risk geriatric population that come with a fully loaded cost of \$1 million per individual as reported in 2019,<sup>1</sup> I must still ask for an unfavorable report on SBO128 unless it is amended to remove the provision under CS 7-310 (3). This provision, which excludes anyone who is subject to the sex offender registry from geriatric parole consideration, needlessly removes the discretion of the Parole Commission in a way that is incredibly harmful and serves no benefit.

In Fiscal Year 2022, the Maryland Parole Commission heard 5,922 cases. Only 959 people were released on parole during that same time period.<sup>2</sup> Our parole commission reduced its grant rate by 66% between 2019 and 2022.<sup>3</sup> That is the fourth largest grant reduction among the 26 states that publish parole grant data. This is evidence of an extremely conservative Parole Commission and there is no reason for the Legislature to restrict its discretion.

This particular sex offender restriction applies to anyone who is subject to sex offender registry, so it is important to remember that “criminalized conduct ranges across a broad spectrum of culpability including public nudity, indecent exposure (“flashing”), public urination, “sexting,” sex between consenting minors (statutory rape), soliciting sex workers, illegal image creation (e.g., a minor taking a nude photo of themselves), illegal image sharing (e.g., a minor sharing a nude photo of themselves), the creation or dissemination of sexually explicit images of youth, incest, to acts of fondling, sodomy, and rape using force.”<sup>4</sup> Interstate registry also comes with a variety of complicated rules

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<sup>1</sup> OSI Baltimore, Building on the Unger Experience: A Cost-Benefit Analysis of Releasing Aging Prisoners, 2019, <https://goccp.maryland.gov/wp-content/uploads/Unger-Cost-Benefit3.pdf>

<sup>2</sup> Maryland Parole Commission, Fiscal Year 2022 Annual Report, page 12, [https://dlslibrary.state.md.us/publications/Exec/DPSCS/MPC/COR7-208\\_2022.pdf](https://dlslibrary.state.md.us/publications/Exec/DPSCS/MPC/COR7-208_2022.pdf)

<sup>3</sup> Prison Policy Initiative, No Release: Parole grant rates have plummeted in most states since the pandemic started, <https://www.prisonpolicy.org/blog/2023/10/16/parole-grants/>

<sup>4</sup> Kristen M. Budd, Ph.D., Sabrina Pearce and Niki Monazzam, Responding to Crimes of a Sexual Nature: What We Really Want Is No More Victims, 2024,

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that might land someone on the registry for a crime that is not even registrable under Maryland law under CP 11-704 (a) (4).

This is the risk of restricting the discretion of the Parole Commission - you remove the human eyes from the situation and apply a mindless formula, often ending in results that run counter to legislative intent due to unforeseen circumstances that require critical analysis. “For example, two consenting teenagers who have sex could receive up to a 15 year prison sentence in Florida or up to a 20 year prison sentence in Alabama due to statutory rape and other laws. These convictions could also trigger a lifetime public registration requirement.”<sup>5</sup> CP 11-704 (a) (4) would then compel these people to register in Maryland, and if they were incarcerated in Maryland decades later for a nonviolent crime like drug trafficking, they would be barred from relief under this Geriatric Parole statute. Certainly if the discretion of the Parole Commission were left intact, the Commissioner would easily be able to divide this case based on its unique circumstances and treat it accordingly.

I therefore urge you to amend this bill to strike CS 7-310(3) and leave the specifics of the case consideration in the capable hands of our Parole Commission. However, if that is not possible, I urge you to return an unfavorable report.

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<https://www.sentencingproject.org/policy-brief/responding-to-crimes-of-a-sexual-nature-what-we-really-want-is-no-more-victims/>

<sup>5</sup> Kristen M. Budd, Ph.D., Sabrina Pearce and Niki Monazzam, Responding to Crimes of a Sexual Nature: What We Really Want Is No More Victims, 2024,

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