

March 5, 2020

Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Response to the Governor's Office of Crime Prevention, Youth, and Victim Services' Position on Senate Bill 817

Dear Chairman Smith, Vice Chair Waldstricher, and Members of the Committee:

It has come to our attention that in its position opposing Senate Bill 817, the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) has made several representations regarding Maryland's parole system that are inaccurate with respect to parole eligibility and the Governor's constitutional authority.

GOCPYVS misunderstands parole eligibility under current law. Its letter states that individuals serving determinate sentences are eligible for parole after serving a quarter of their sentences and that individuals sentenced to life in prison for first-degree murder are parole eligible after serving 25 years. Only individuals who are convicted of non-violent crimes are eligible for parole after serving one quarter of their sentence.¹ Individuals who were convicted of violent crimes are required to serve half of the sentence before reaching eligibility.² Senate Bill 817 does not affect parole eligibility for any individual serving a determinate sentence governed by those section's of Maryland's code. With respect to individuals serving life sentences, currently the statute sets eligibility at 15 years minus the application of diminution credits for most individuals.³ Only if the state sought the death penalty or life without the possibility of parole in the course of the trial is parole eligibility set at 25 years.⁴ Apart from the distinction between non-violent and violent offenses, there is no separate distinction related to first-degree murder. All life sentences, regardless of the offense, fall into the above eligibility scheme.

GOCPYVS's statement also calls into question whether Senate Bill 817 interferes with the Governor's right enumerated in Article II, Section 20 of the Maryland Constitution powers to grant reprieves and pardons. It does not. Senate Bill 817 does not disturb the Governor's constitutional authority to commute an individual's sentence or grant a pardon. Senate Bill 817 simply removes the Governor's involvement in the parole process, a process that is statutorily governed.

For too long the Governor's involvement in the parole system has resulted in the systemic denial of even the most meritorious cases. We urge the committee to report favorably.

Sincerely,

Lila Meadows, Esq.
Gender Violence Clinic
University of Maryland School of Law

¹ MD Code, Correctional Services, § 7-301(b)

² MD Code, Correctional Services, § 7-301(c)(1)(i)

³ MD Code, Correctional Services, § 7-301(d)(1)

⁴ MD Code, Correctional Services, § 7-301(d)(2)