



**Written Statement of Mary Price
General Counsel, FAMM
Before the Senate Judicial Proceedings Committee
SB 817
March 5, 2020**

I thank Chair Smith and the members of the committee for considering this statement in support of SB 817. **FAMM supports SB 817 because it would provide a meaningful opportunity for parole for people sentenced to life, and allow the state to remedy sentences that do not promote public safety or reflect an individual’s rehabilitation.**

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. We advocate sentences that are proportionate, and sufficient but of no greater length than necessary to meet the purposes of punishment and secure public safety. We are pleased to see the General Assembly consider SB 817, which would provide people sentenced to life with a genuine opportunity to secure release through parole after serving a significant amount of time incarcerated, even in the absence of the governor’s approval.

For nearly 25 years, Maryland’s governors have not exercised the discretion the other two branches expected and that justice requires. Instead, each governor, starting with Gov. Parris Glendening, has categorically refused parole to any otherwise eligible prisoner serving a life sentence – with the exception of a handful of grants of parole in November 2019 from Governor Larry Hogan.¹ This practice of categorically denying parole to individuals sentenced to life in prison offends the legislature’s commitment to the exercise of individualized discretion in parole decisions and does not promote public safety or reflect an individual’s rehabilitation.

SB 817 will make the public safer because it aligns with a growing body of research that shows that recidivism rates decline with age. In what criminologists have identified as an “age-crime curve,” the risk of recidivism drops after a person reaches late adolescence and continues to decline when a person reaches early adulthood. No one is safer when individuals who pose no risk to the public remain in prison. Extending parole eligibility to lifers would provide Maryland the mechanism to recognize individuals who are serving ineffective and excessive sentences, and safely remedy them. The public is not safer when people stay in prison far past the point at which they cease to pose a threat to others.

Furthermore, FAMM believes that our sentencing laws should reflect people’s capacity to change. We understand that people are sentenced to life for serious offenses. But for many,

¹ Ann Marimow & Eric Cox, *Gov. Larry Hogan Granted Parole to People Sentenced as Teenagers, Rekindling Calls for Parole Reform*, Wash. Post, Nov. 30, 2019, https://www.washingtonpost.com/local/legal-issues/gov-larry-hogan-granted-parole-to-people-sentenced-as-teenagers-rekindling-calls-for-parole-reform/2019/11/30/015d788c-107d-11ea-9cd7-a1becbc82f5e_story.html.

prison is a time of reflection, growth, and improvement. A life sentence with the possibility of parole embodies the belief that some who have served a substantial amount of time and used that time to reflect, grow, learn skills, and turn their backs on crime can return to and abide peacefully in the community. Indeed, a meaningful possibility of parole encourages such rehabilitation. Therefore, it's vital that our laws recognize people's capacity to mature and evaluate the appropriateness of continued incarceration.

We know from individuals who have been released under the landmark *Unger* ruling in Maryland that people can return home early from prison and live peacefully in their communities. As of year-end 2019, nearly 200 people had left prison after meticulous, individualized reviews of their cases by states' attorneys. Recidivism among this community is vanishingly small. Public safety was not compromised by releasing them.

Additionally, SB 817 provides a meaningful yet reasonable solution to address the current practice that categorically denies parole to lifers. The bill does not require or guarantee parole eligibility. It merely gives individuals a meaningful chance at parole and the opportunity to demonstrate their rehabilitation and readiness for reentry after a substantial period of incarceration.

For the reasons outlined above, FAMM urges the committee to support and advance SB 817. Please feel free to contact us at mprice@famm.org with additional questions. Thank you for considering our views.