



March 3, 2020

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
Bladen St., Annapolis, MD 21401

Chairman William C. Smith
Senate Judicial Proceedings
Miller Senate Office Building
Bladen St., Annapolis, MD 21401

RE: The Sentencing Project Supports House Bill 1219 and Senate Bill 817

Dear Chairman Clippinger and Chairman Smith:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds **House Bill 1219/Senate Bill 817** which eliminates the governor's approval requirement for parole recommendations of life-sentenced prisoners by the Maryland Parole Commission (MPC) who have served 20 years in prison. Maryland is one of only a few states that impose such a requirement.¹

The excessively lengthy incarceration of persons sentenced to life prison terms — even for violent crimes—is counterproductive, costly, and inhumane. To remedy this problem, Maryland lawmakers should enact **HB 1219/SB 817** and consider parole for persons who have served 20 years in prison. This policy shift is grounded in humanitarian and public-safety concerns.

Life sentences ruin families and tear apart communities; they deprive the person of the chance to turn his or her life around. It widely accepted that individuals “age out” of crime, and that this occurs at a surprisingly young age. As is true of all adults, incarcerated persons mature in prison as they age and develop a longer-term vision for their lives. Research by leading criminologists Alfred Blumstein and Kiminori Nakamura validates that an 18-year-old arrested for robbery is no more likely to be arrested for this crime by the age of 26 than anyone in the general population. Each successive year of incarceration after this decline sets in produces diminishing returns for public safety.²

Maryland incarcerated 19,994 prisoners in 2016.³ At the end of 2016, there were 3,141 persons in state prisons serving life sentences. Of that number, 681 persons were serving split-life sentences in which the life sentence is suspended for a fixed term of years. Approximately 9.8% of Maryland's prison population is serving a parole-eligible life term, including those with all but a fixed term of years suspended.⁴

House Bill 1219/Senate Bill 817 would authorize parole eligibility following the approval of MPC. In recent years, Oklahoma, which imposes a similar policy made changes in policy and practice. In 2012,

¹ Ghandnoosh, N. *Delaying a Second Chance: The Declining Prospects for Parole on Life Sentences* (2017). Washington, DC: The Sentencing Project. Retrieve <http://www.sentencingproject.org/publications/delaying-second-chance-declining-prospects-parole-life-sentences/>

² Mauer, M. *A 20-Year Maximum for Prison Sentences* (2016). Washington, DC: *Democracy Journal*. Retrieve <https://democracyjournal.org/magazine/39/a-20-year-maximum-for-prison-sentences/>

³ Carson, E. *Ann. Prisoners in 2016* (January 2018). Washington, DC: U.S. Department of Justice. Retrieve: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6187>

⁴ HB 303 Department of Legislative Services Fiscal and Policy Note (2015). Retrieved here: <http://tinyurl.com/oc5lvc>
⁴ Ghandnoosh, N. *Delaying a Second Chance: The Declining Prospects for Parole on Life Sentences* (2017). Washington, DC: The Sentencing Project. Retrieve <http://www.sentencingproject.org/publications/delaying-second-chance-declining-prospects-parole-life-sentences/>

Oklahoma voters approved a ballot measure that changed the role of the governor in approving state parole board decisions; the ballot initiative passed with 59% voter approval.⁵

House Bill 1219/Senate Bill 817 is a measured approach that will help state lawmakers address an imbalance in Maryland's sentencing policy while maintaining public safety. The proposed policy change does not guarantee release for parole eligible lifers; the bill streamlines the process in an effort to improve efficiency. The bill would recognize the leadership and expertise of parole board members in approving applications for release. Recommended policies for parole board membership include staffing by members who have a background in corrections or relevant social services in order to best assess suitability for release.⁶

Most parole eligible lifers have committed serious offenses. However, most serious crime is situational, due to a complex combination of conflict, exposure to violence, and accelerants like drugs and alcohol. Studies of recidivism rates among lifers, while few in number, consistently suggest that returns to prison for a new offense are relatively low.⁷ More than 250 Maryland residents successfully reentered the community under *Unger v. Maryland* following long prison terms.⁸

This research calls into question the accuracy of public safety arguments in support of lengthy terms of imprisonment. A 2004 analysis by The Sentencing Project found that individuals released from life sentences were less than one-third as likely to be rearrested within three years as all released persons.⁹ More recently, a 2011 California-based study tracked 860 people convicted of homicide and sentenced to life, all of whom were paroled beginning in 1995. Longitudinal analysis of their outcomes finds that in the years since their release, only five individuals (less than 1%) have been returned to prison or jail because of new felonies.¹⁰ The Unger releasees have a reported 3% recidivism report which is substantially lower than the 40% recidivism rate for other persons released from Maryland prisons.¹¹

Passage of **House Bill 1219/Senate Bill 817** will improve the state's parole release process. Parole policies that limit an opportunity for meaningful release ignore the potential for rehabilitation. Sentencing practices should recognize the possibility for personal growth among persons convicted of serious offenses.

The Sentencing Project urges members of the House Judiciary Committee and Senate Judicial Proceedings Committee to pass **House Bill 1219/Senate Bill 817**.

Sincerely,



Nicole D. Porter

cc: House Judiciary Committee
Senate Judicial Proceedings

⁵ Oklahoma Governor in the Parole Process Amendment, State Question 762 (2012)

⁶ Nellis, A., *Life Goes On: This Historic Rise of Life Sentences in America* (2013). Washington, DC: The Sentencing Project. Retrieved here: <http://tinyurl.com/nyklyca>

⁷ Weisberg, R. Mukamal, D., & Segall J.D (2011). *Life in Limbo: An Examination of Parole Release for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford, CA: Stanford University.

⁸ Editorial (2019) "[Success of 'Unger' inmates shows wisdom of not keeping seniors in prison](#)" *Baltimore Sun*.

⁹ Mauer, M, King, R.S., & Young, M. (2004). *The Meaning of 'Life': Long Prison Sentences in Context*. Washington, DC: The Sentencing Project.

¹⁰ Weisbergh, R. Mukamal, D. & Segall, J.D. (2011). *Life in Limbo: An Examination of Parole Releases for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford University: Stanford Criminal Justice Center.

¹¹ *Id.* "[Success of 'Unger' inmates shows wisdom of not keeping seniors in prison](#)" *Baltimore Sun*.