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Chairman Smith, Vice Chairman Waldstreicher, Members of the Committee
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 817 – Correctional Services – Parole – Life Imprisonment

POSITION: Oppose

Dear Chairman Smith, Vice Chairman Waldstreicher, Members of the Committee:

I am writing to you to provide information about and to respectfully oppose Senate Bill 817. This bill would remove the Governor's oversight of the Maryland State Parole Commission's decisions to parole those who are sentenced to life imprisonment.

1. Governor Hogan's approval of paroles and commutations. Governor Hogan takes his executive parole and clemency responsibilities very seriously. During his term, Governor Hogan has paroled 19 people serving life sentences, either by approving the parole or allowing it to go into effect by not taking action. He has also approved or allowed four medical paroles to individuals serving life sentences. In addition, the Governor has now commuted life sentences of 21 inmates, resulting in early release from incarceration. There is no reasonable justification for removing gubernatorial oversight from the parole process at this point given the diligent and proper consideration that Governor Hogan has given these matters. During the course of eight years, the prior governor granted two medical paroles and three commutations.

2. Current arrangement provides important accountability for Marylanders. The Governor's oversight duty in the current system makes policy on these sensitive issues responsive to the people. One elected official is accountable to the voters for the parole of offenders who committed heinous murders and attempted murders. An appointed group such as the Parole Commission is less accountable for its exercise of such authority.

3. Governor Hogan, the Department of Public Safety and Correctional Services, and the Commission have been working to improve the parole process. There is litigation pending in the U.S. District Court for the District of Maryland involving certain parole issues for inmates who were sentenced to life imprisonment for crimes committed when they were juveniles.

While that litigation is still pending, and apart from that litigation, the Hogan Administration, its Department of Public Safety and Correctional Services, and the Commission have been working to improve the system for all inmates with life sentences in a number of important ways.

First, the Commission has adopted regulations to confirm that its existing practices are consistent with recent U.S. Supreme Court and other federal-court decisions, expressly providing that parole authorities are to consider a juvenile offender's age at the time of the crime, demonstrated maturity, and subsequent rehabilitation.

Second, Executive Order 01.01.2018.06 now provides that the Governor will consider all applicable statutory and regulatory factors in making parole decisions.

Third, the Commission's process for psychiatric evaluations of inmates recommended for parole has been streamlined to make the assessments more convenient and timely scheduled.

Lastly, the Division of Correction is creating better opportunities for inmates with life sentences to achieve lower security classifications, which in turn will provide them with more and better opportunities to demonstrate rehabilitation, making parole more likely.

All of this is by way of explanation that Governor Hogan is actively concerned about these issues, takes his powers and duties seriously, and is diligently implementing practical reforms to provide suitable parole candidates with a meaningful opportunity for release.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on Senate Bill 817. If you have any questions, please contact Cara Sullivan, Governor's Office at 410-974-3336 or cara.sullivan24@gmail.com