

MD Catholic Conference_SB 531_FWA.pdf

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ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 16, 2021

SB 531

Criminal Procedure - Life Without Parole – Imposition

Senate Judicial Proceedings Committee

Position: Support w/ Amendments

The Maryland Catholic Conference offers this testimony in SUPPORT with amendments of Senate Bill 531. The Conference represents the public policy interests of the three (arch)dioceses serving Maryland, the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 531 would prohibit a court from imposing a sentence of life without parole on a person who was less than eighteen years of age at the time the offense was committed.

While the Conference supports wholeheartedly the provisions of this bill in its entirety, we respectfully submit that it should be amended to include the sentencing review provisions of Senate Bill 494 – The Juvenile Restoration Act – currently before this committee and cross-filed in the House of Delegates as House Bill 409.

The U.S. Supreme Court has ruled on the constitutionality of mandatory sentences of life without parole for those who commit crimes under the age of eighteen. First, in 2010, the Court held that life sentences without parole for youthful offenders are unconstitutional for non-homicide crimes. *Graham v. Florida*, 560 U.S. 48 (2010). Next, it held that mandatory life sentences without parole for youthful offenders are unconstitutional even for homicide crimes. *Miller v. Alabama*, 567 U.S. 460 (2012). Specifically, the Court noted certain inherent characteristics of youthful offenders, such as “diminished capacity” and “greater prospects for reform”. *Id.* at 471. Most recently, the Court ruled that the *Miller* holding should be applied retroactively to allow those sentenced to mandatory life without parole to mitigate their sentences. *Montgomery v. Louisiana*, 577 U.S. __ (2016).

The United States Conference of Catholic Bishops has echoed the Supreme Court on this issue, reasoning that “Abandoning the parole system, as some states have done, combined with the absence of a clear commitment to rehabilitation programs within prisons, turns prisons into warehouses where inmates grow old, without hope, their lives wasted.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000). Pope Francis has called life imprisonment a “hidden death penalty”. (*Address to the International Association of Penal Law*, Oct. 2014).

These examples of established case law and Catholic social teaching help to formulate our position that society should avoid the imposition of life-without-parole sentencing, particularly for youthful offenders. Such sentences destroy all hope for incarcerated children and ignore the inherent possibilities for rehabilitation. It is therefore important that the State of Maryland recognize the vulnerability of youthful offenders and provide for them proper hope for rehabilitation. It is for these reasons that we urge your support and favorable report on Senate Bill 531 with amendments to include the sentencing review provisions of SB 494 (2021).

SB 531 - Life Without Parole Imposition.pdf

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB 531

**Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed**

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 531
LIFE WITHOUT PAROLE – IMPOSITION

I write in opposition to Senate Bill 531 that would prohibit a court from sentencing a defendant under the age of 18 to life without parole.

In Miller v. Alabama, the Supreme Court held that mandatory life without parole for those under 18 years of age at the time of their crimes violates the Eighth Amendment against cruel and unusual punishment. In reality, few defendants, even adults, receive this sentence, and therefore, it is usually imposed for a basic and very good reason – it was the appropriate punishment for an outrageous crime that was committed. The Defendants we are talking about are the worst of the worst.

The Supreme Court has held that those who commit these crimes cannot automatically be sentenced to life without parole. The Courts have imposed a list of factors that must be considered before life without parole can be imposed on a juvenile. That list includes the unique circumstances of each juvenile defendant in determining an individual sentence. Factors to be considered are immaturity, impetuosity, and failure to appreciate risks and consequences. The sentencing court must also consider family and home environment. Miller was applied retrospectively.

Since life without parole cannot be mandatory and with the list of safeguards put in place by the Supreme Court banning this sentence completely is not necessary. There are still horrendous murders that take place in Maryland. While he did not receive life without parole, do not forget the case of Nicholas Browning. Browning executed his father, mother, and two younger brothers after planning their murders. Life without parole should be saved for the worst of the worst.

I urge an unfavorable report.