

# **SB774 - Geriatric and Medical Parole.pdf**

Uploaded by: Doyle Niemann

Position: FAV



St., Baltimore, MD 21201  
800-492-1964  
| tdd 410-539-3186

---

**To:** Members of The Senate Judicial Proceedings Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** February 22, 2022

**Subject:** **SB774 – Correctional Services – Medical Parole – Life Imprisonment**

**Position:** **Support**

---

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB774 – Correctional Services – Medical Parole – Life Imprisonment.**

This bill removes the Governor from the approval process for medical parole. It closes a gap left by last year's adoption of legislation that removed the Governor from other decisions.

The growing number of inmates in the state penal system who are in need of a high degree of medical care poses continuing problems for the State. Removing an obstacle that can prevent the release of inmates who need care and who no longer pose a danger to the public is a wise action.

For the reasons stated, we **Support SB774 – Correctional Services – Medical Parole – Life Imprisonment.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

**MOPD Favorable SB 774.pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## POSITION ON PROPOSED LEGISLATION

**BILL: SB 774 - Correctional Services - Medical Parole - Life Imprisonment**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 03/08/2022**

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on Senate Bill 774.

Last year, the General Assembly voted to remove the Governor from parole for people serving life sentences ([SB 202](#)). The Governor vetoed this bill, but that veto was overridden during the 2021 Special Session. This was a critical step towards improving Maryland's broken parole system. **We are incredibly grateful to all who worked to ensure the passage of this important legislation, which helps depoliticize parole.**

The bill's intent was to remove the Governor from all lifer cases. However, the section of the code pertaining to medical parole was inadvertently omitted from the bill draft. Unfortunately, this left an unintentional loophole resulting in the situation where *only* medical parole cases now require gubernatorial action.

The only thing Senate Bill 774 does is correct this error by striking the line of text requiring the Governor to approve medical parole for people serving life sentences. It does not make any other change.

This fix is particularly important due to the need for medical parole applications to be evaluated expeditiously. Medical parole is often sought by persons experiencing rapidly deteriorating, fatal medical conditions. Thus, the need for the Parole Commission to be able to act with immediacy is arguably most critical in these circumstances.

For these reasons, we urge this Committee to issue a favorable report for Senate Bill 774.

**Submitted By: Maryland Office of the Public Defender, Government Relations Division.**

**MD Catholic Conference\_FAV\_SB 774.pdf**

Uploaded by: Garrett O'Day

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**March 9, 2022**

**SB 774  
Correctional Services – Medical Parole – Life Imprisonment**

**Senate Judicial Proceedings Committee**

**Position: Support**

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 774. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 774 would very simply expand access to medical parole for those serving life sentences. It would place within the purview of the parole commission to make the ultimate decision of granting medical parole to an inmate serving a life sentence.

The Catholic Church roots much of its social justice teaching in the inherent dignity of every human person and the principals of forgiveness, redemption and restoration. Catholic doctrine provides that the criminal justice system should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender. Thus, the Church recognizes the importance of striking a balance between protecting the common good and attentiveness to the rehabilitation of the incarcerated.

The United States Conference of Catholic Bishops has stated 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 also expressly labeled life imprisonment a “hidden death penalty”. (Address to the International Association of Penal Law, Oct. 2014)

Those serving sentences of life without parole are already subject to a lessened sense of hope and, thus, a more limited prospect of a restored life outside of prison. There is thus less incentive for the restoration and rehabilitation that should be inherent in systems of justice.

States should provide a greater degree of care for inmates who are elderly and/or suffering from debilitating medical conditions without access to proper care. This includes providing for their release to the community where warranted and where public safety is not a factor. Thus, the Maryland Catholic Conference urges a favorable report on Senate Bill 774.

**Testimony\_JPC\_SB0774\_LR2490.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of Senate Bill 774  
- Correctional Services – Medical Parole – Life Imprisonment-  
Before the Senate Judicial Proceedings Committee  
On March 9, 2022**

**Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee:**

**Senate Bill 774 completely removes the Governor from the medical parole decision-making process, repairing a technical oversight in Senate Bill 202 from the 2021 session. With the passage of SB202, the legislature intended to remove the Governor from all involvement in parole verdicts, and this bill does that.**

**In 2021, not only did the legislature vote to reform the parole process, but we overrode Governor Hogan's veto of the bill later that same year, further solidifying our stance. Until the passage of this bill, Maryland was one of only three states that still involved the Governor in the parole process. This reform exclusively left the power to review and grant parole for life sentences to the Maryland Parole Commission, a nonpartisan board composed of law and social services professionals.**

**Senate Bill 774 addresses medical parole. I believe that, based on the General Assembly's vote in the 2021 Special Session, we should also leave the absolute power to review and grant medical parole to the aforementioned commission. Senate Bill 774 would altogether remove**



**the Governor’s authority to approve, disapprove, or consider the Parole Commission’s decision in medical parole cases.**

**Medical parole was established in 2008 because the General Assembly recognized that incapacitated inmates posed no threat to society. Having served a certain amount of their sentence, individuals with extreme mental or physical health conditions were deemed eligible for parole consideration. It was not until 2017, that this body carved the Governor a role in the process. Out of the 2,000 people serving life sentences in Maryland prisons, only 34 individuals applied for medical parole in 2018.<sup>1</sup>**

**Senate Bill 202 removed whispers of partisan politics when deciding a convicted person’s fate, and Senate Bill 774 furthers that intent. Maryland Governors have notoriously adopted a “tough on crime” mentality, disproportionately sentencing Black and Brown people to stricter and more prolonged punishments. The lack of parole considerations hardened the inmates’ will and worsened their behavior while in jail. In March 2021, former Governor Parris Glendening admitted the cruel nature of life sentences when he said, “... people whose sentences promised a chance at parole were denied it for decades, regardless of how thoroughly they worked to redeem themselves and make amends to those they harmed.”<sup>2</sup>**

**When enacting Senate Bill 202, I do not believe the General Assembly intended to bifurcate the determination of medically-eligible inmates between the parole commission and the Governor.**

**The cross-file to this bill, House Bill 920, had a seamless hearing on February 22. Considering this body’s prior actions and the limited**

---

<sup>1</sup> <https://www.washingtonpost.com/dc-md-va/2022/01/28/maryland-parole-life-criminal-justice-politics/>

<sup>2</sup>

<https://www.washingtonpost.com/opinions/2021/03/01/i-made-serious-mistake-maryland-governor-we-need-parole-reform/>

number of opponents to this bill, I humbly request a favorable report on Senate Bill 774.

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a blue ink color.

**Jill P. Carter, Esq.**

**SB0774\_MARYLANDPRISONERSRIGHTS\_FAV.pdf**

Uploaded by: Julie Magers

Position: FAV

## TESTIMONY IN SUPPORT OF BILL SB0774

### Correctional Services – Medical Parole – Life Imprisonment

**Date:** 03/08/2022

**From:** Maryland Prisoners' Rights Coalition

**To:** Chair William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee

**Re:** SUPPORT FOR BILL SB0774

The Maryland Prisoner's Rights Coalition is a directly impacted governed organization supported by advocacy partners that work to improve conditions of confinement for incarcerated individuals in Maryland Prisons.

In 2008, the Maryland General Assembly established a process for medical parole for incarcerated persons incapacitated by medical conditions such that they no longer pose any danger to public safety. In 2017, the Governor was given an opportunity to disapprove of any decision granting parole. In 2021, this legislative body removed the Governor from the parole process. However, as the law currently reads, the Governor still could disapprove of the opportunity for medical parole.

This bill is a technical correction to, SB0202, the 2021 bill removing the Governor from the parole process. The General Assembly's motivation for the 2021 bill was to entirely remove the Governor from the parole process, and no indication that medical parole was meant to remain open to disapproval from the Governor; therefore, this bill completes that task started by the 2021 law.

Further, as an organization that advocates for better access to healthcare for incarcerated persons, we oppose any further restriction on those who are eligible for medical parole in Maryland. The already difficult process in applying for and gaining medical parole, the virtually non-existent risk of recidivism, and the dire conditions of confinement under these circumstances, are even more compelling factors for those incapacitated to qualify for medical parole.

Therefore, we support the passage of SB0074 to fully remove the Governor from the medical parole process.

Respectfully,  
The Maryland Prisoners' Right Coalition

---

**SB774 Medical Parole Testimony LMeadows.pdf**

Uploaded by: Lila Meadows

Position: FAV

To: Judiciary Proceedings Committee  
From: Lila Meadows, University of Maryland School of Law Clinical Law Program, 500 W. Baltimore Street, Baltimore, Maryland 21201  
Re: In SUPPORT of Senate Bill 774  
Date: March 9, 2022

Last legislative session the General Assembly took the historic and long overdue step of depoliticizing Maryland's parole process for lifers by removing the governor as the final decision maker. Unfortunately, due to an oversight in drafting, that change did not apply to Maryland's medical parole scheme. Under Maryland Code Correctional Services 7-305, the governor remains as the final decision maker for those who are serving life sentences and seeking medical parole. Medical parole exists to provide consideration for individuals who are either terminally ill or so chronically debilitated that their condition renders them unable to pose any threat to public safety. In addition to considering an individual's medical condition, the Maryland Parole Commission is required by the statute to consider traditional parole criteria in its determinations, including the circumstances of the underlying conviction and any future threat to public safety. The Commission is still required to complete victim notification and consider any position victims take on potential release. Medical parole in no way circumvents the public safety considerations of the regular parole process, but instead provides additional criteria for the Commission to consider related to an individual's medical condition.

Removing the governor from the medical parole process is entirely consistent with the steps the General Assembly took last legislative session. The governor's involvement in medical parole decisions is completely unnecessary to ensure public safety, and in fact, makes it more likely that the most vulnerable incarcerated men and women will die in prison because the governor's involvement significantly delays decisions related to release.

In 2020, as the pandemic spread through correctional institutions and threatened the well-being of incarcerated individuals who were already battling serious medical conditions, I sought medical parole for a client who was suffering from an advanced stage of cancer and required weekly care from an outside medical institution. Staffing shortages and isolation protocols during that time resulted in my client missing many of the necessary scheduled treatments at that outside medical center. It took the Maryland Parole Commission six weeks to consider our request for medical parole, which was finally sent to the Governor for his consideration. Despite our efforts to communicate with the governor's team to advocate for our client's release, we received no update on the case and had no reason to believe the office was approaching the issue with any urgency. Thankfully, three months later, with the support of that county's State's Attorney's Office, we were successful securing the client's release through an emergency motion filed with the court. In another case I handled in 2020, the client was hospitalized in an off-site location after suffering an amputation, heart attack, and what was likely an aneurysm. He was not serving a life sentence, and after several weeks of consideration, the Maryland Parole Commission granted medical parole. He died just days later in a medical facility. Had the Governor's approval been required for that client, he would have died in prison.

Removing the governor from medical parole considerations for individuals serving life sentences is not only consistent with this body's prior actions, but also the humane and just thing to do. I urge your support for Senate Bill 774.

*This written testimony is submitted on behalf of Lila Meadows at the University of Maryland School of Law and not on behalf of the University of Maryland School of Law or the University of Maryland, Baltimore.*

**SB774\_ACLUMD\_FAV\_SPACCASI.pdf**

Uploaded by: Olivia Spaccasi

Position: FAV



## Testimony for the Senate Judicial Proceedings Committee

March 9, 2022

### SB 774 - Correctional Services - Medical Parole - Life Imprisonment

**FAVORABLE**

OLIVIA SPACCASI  
PUBLIC POLICY INTERN

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on HB 920, which would eliminate the need for gubernatorial approval of medical parole for inmates serving life imprisonment sentences, creating needed uniformity between the medical parole process and all other parole processes.

Last year, the General Assembly voted to remove the Governor from parole for people serving life sentences. We are grateful to all who worked to ensure the passage of this important legislation, which helps to depoliticize parole.

It was clearly the legislature's intent was to remove the Governor from all parole decisions for individuals sentenced to life imprisonment. However, the section of the code pertaining to medical parole was omitted from the bill draft, resulting in a situation where only medical parole cases require gubernatorial action. This legislation would simply correct that omission.

As a result of this error, medical parole decisions are still subject to a waiting period of up to almost 6 months. The need for the Parole Commission to be able to act expeditiously is arguably most critical in those cases where the parole candidate is seriously ill or dying.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 774.





**JPI. Favorable\_SB0774.pdf**

Uploaded by: T. Shekhinah Braveheart

Position: FAV



**Testimony to the House Judiciary Committee**  
**SB0774 Correctional Services – Medical Parole- Life Imprisonment**  
**Marc Schindler, Executive Director**  
**Justice Policy Institute**  
**202-558-7974, [mschindler@justicepolicy.org](mailto:mschindler@justicepolicy.org)**  
**March 8, 2022**

My name is Marc Schindler. I serve as the Executive Director of the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues. Over the last decade, JPI has released over a dozen policy and research reports on the Maryland justice system. Please accept this statement in support of SB0774 Correctional Services —Medical Parole– Life Imprisonment.

By way of background, I have had the opportunity in my career to view the justice system from several different angles. I come to this issue today with perspective drawn from experiences both inside and outside the criminal justice system. After graduating from the University of Maryland School of Law, I began my legal career over 20 years ago with the Maryland Office of the Public Defender. I spent eight years as a staff attorney with the Youth Law Center, a national civil rights law firm. Then, I held several leadership roles within the Washington, DC Department of Youth Rehabilitation Services, Washington, DC's juvenile corrections agency, including serving as General Counsel, Chief of Staff, and Interim Director between 2005 and 2010. Prior to joining JPI, I was a partner with Venture Philanthropy Partners (VPP), a Washington-based philanthropic organization.

Last year, this legislative body took the important and necessary step of removing the governor from the parole decision-making process for people serving a life sentence; thereby removing politics from parole in Maryland. That was a historic step that means Maryland governors can no longer undermine the Maryland Parole Commission who he or she appoints. The long-term impact of that policy change will be less tax dollars spent for excessively long stays of incarceration with no demonstrable public safety benefit, less funds diverted away from important services like education and healthcare and will help to mitigate the huge racial disparities in the Maryland justice system.

While Maryland has medical parole, approval is fleeting. Data are limited but provide a glimpse into its restricted use. Between 2015 and 2020, the Maryland Parole Commission approved 86 medical parole applications and denied 253. Further, the Governor granted nine medical parole requests from individuals serving life sentences and rejected 14 requests. Most notably, the lowest yearly approval rating occurred during the height of the pandemic in 2020 at seven percent.

During debate on the bill to remove the governor from the parole process we heard how the parole commission is much better situated to evaluate someone for release due to their history of involvement with the incarcerated population. The governor was making decisions based off no interaction with the population whose fate he was deciding. The idea of making uninformed decisions on medical parole recommendations is unfathomable.

Unfortunately, due to a technical error, the bill to remove the governor from parole did not remove the governor from the medical parole decision making process. The same logic and considerations that went into passage of last year's bill should be applied to removing the governor from medical parole. There is no legitimate policy goal, least of all protecting public safety, which supports keeping the governor in the medical parole process, so we ask for favorable consideration of SB0774.