

Written Testimony in Support of HB47 SB33[2666].p

Uploaded by: David O'Donoghue

Position: FAV

TESTIMONY IN *SUPPORT* OF SB 0033
CORRECTIONAL SERVICES – MEDICAL PAROLE – LIFE IMPRISONMENT

To: Senator William C. Smith, Jr., Chair of the Judicial Proceedings Committee

From: Olivia Johnson and David O'Donoghue, Student Attorneys, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 7, 2023

We are second year law students and student attorneys in the Youth, Education, and Justice Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, or other means, as well as individuals who have served decades in Maryland prisons for crimes they committed as children and who are now eligible to be considered for parole. We write in support of Senate Bill 0033, which would remove the Governor from Maryland’s medical parole process and vest the authority to grant medical parole exclusively with the Maryland Parole Commission (“The Commission”).

At the outset of the COVID-19 pandemic in 2020, the Commission recommended that one of our clients be released from incarceration on medical parole, given his underlying health conditions. In making the recommendation, the Commission carefully reviewed our client’s medical issues and understood that COVID-19—with the outsized impact it would have on Maryland’s prison population—put our client in potential peril. However, then-Governor Larry Hogan denied the Commission’s recommendation, without offering any specific reasons. But for the Governor’s denial, our client would have been released from prison nearly three years ago.

The General Assembly removed the Governor from the non-medical parole process in 2021, repealing provisions that required Governor’s approval of parole for individuals serving a term of life imprisonment. In doing so, the General Assembly recognized that the Governor is not well positioned to make decisions of such enormous consequence and that demand careful analysis devoid of political consideration. Rather, these decisions are best left to the Commission, whose members adhere to laws and regulations that delineate the various factors they must consider in every parole decision. Commission members also have the knowledge and experience necessary to weigh the various factors and to make the decisions that serve the best interests of the individual and of the public. The same is true in the medical parole context.

SB 0033 seeks to align Maryland’s medical parole process with the General Assembly’s removal of the governor from the broader parole process. We ask for a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

SB33 - Medical Parole.pdf

Uploaded by: Doyle Niemann

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
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301-952-3500

February 7, 2023

Testimony in **Support**

SB33 – Medical Parole – Life Imprisonment

State's Attorney Aisha N. Braveboy and the Office of the State's Attorney for Prince George's County support **SB33 – Medical Parole – Life Imprisonment**.

The Office of the State's Attorney is responsible for prosecuting violations of state or local law in Prince George's County and making sure that the laws are enforced in a just and fair manner and that there is due respect for the rights of everyone.

This bill corrects an oversight in legislation that removed the power of the Governor to veto general release decisions of the Maryland Parole Commission when a life sentence is involved. That legislation, however, did not address the ability of the Commission to release an individual on medical parole.

Section 7-309 of the Correctional Services Article gives the Parole Commission the power to release an inmate who is "so chronically debilitated or incapacitate by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society."

The Parole Commission is directed to consider a variety of factors before making the discretionary decision to release an inmate on medical parole, including the specific medical circumstances involved, the nature of the underlying crimes, and the inmate's institutional history. The Commission retains the ability to direct that the individual return to prison should the medical circumstances change.

Given the rigorous review that the Parole Commission carries out in these cases, including a determination about the inmate's danger to society, there is no reason for these cases to be subject to what is essentially a political review by the Governor.

Beyond the impact on the individuals involved and their families, the reduction in costs associated with the rapidly growing number of elderly prisoners in our prisons, many with increasing medical needs, as well as the substantial body of evidence that elderly and medically incapacitated prisoners who are released are unlikely to commit future crimes, removal of this provision is clearly in the public interest.

For the foregoing reasons, **we urge a favorable report for SB33 – Medical Parole – Life Imprisonment**.

For more information, contact: Doyle Niemann, Assistant State's Attorney and Chief of the Conviction and Sentencing Integrity Unit, at dlniemann@co.pg.md.us or 240-244-7178.

SB 33 MOPD Favor Med Parole Gov.docx.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 33 -- Correctional Services Medical Parole - Life Imprisonment

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/7/23

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on Senate Bill 33.

Two years ago, 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 House Bill 47 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 33.

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

MD Catholic Conference_SB 33_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



February 8, 2023

SB 33

Correctional Services – Medical Parole – Life Imprisonment

Senate Judicial Proceedings Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 33. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 33 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 the importance of systems of parole combined with a “clear commitment to rehabilitation programs within prisons”, lest states turn 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, especially where public safety is not a factor. Thus, the Maryland Catholic Conference urges a favorable report on Senate Bill 33.

2023-02-08 SB 33 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
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February 8, 2023

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0033 – Correctional Services – Medical Parole – Life Imprisonment
Support

Chair Smith, Vice Chair Waldstreich, and distinguished Members of the Judicial Proceedings Committee, I write to urge you to favorably report Senate Bill 33. This legislation, sponsored by Senator Jill Carter, repeals the requirement of gubernatorial approval of a decision by the Maryland Parole Commission granting medical parole to an inmate serving a sentence of life imprisonment. The bill allows inmates serving any sentence (including a life sentence), except those serving a sentence without the possibility of parole, to be medically paroled due to chronic debilitating illnesses or incapacitation where they are physically incapable of presenting a danger to public safety. If the inmate is no longer incapacitated or debilitated as to be physically incapable of presenting a danger to public safety, the inmate shall be returned to the custody of Department of Public Safety and Correctional Services.

Under current law, the Governor has the power to disapprove a decision of the Parole Board to grant medical parole to an inmate. See § 7-309(i), Public Safety Art. Enacting SB 33 would be consistent with the General Assembly's action in the 2021 Session and Special Session to remove the Governor from the decision to grant parole generally. The Office supported that 2021 legislation. We see no policy reason to retain the Governor's role in medical parole when the Governor's role in parole generally has been eliminated. Medical and geriatric parole are too seldom granted despite numerous studies indicating that most people age out of crime and there's no benefit to incarcerating those who are physically incapable of presenting a danger to the public. Given prior legislative acts, it makes sense to remove the Governor from decisions on medical paroles for those serving life imprisonment.

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 33.

cc: Committee Members

SB-33 Testimony.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 33
Correctional Services – Medical Parole – Life Imprisonment
Before the Senate Judicial Proceedings Committee
On February 8, 2023**

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

SB-33 removes the Governor from the medical parole decision-making process, addressing an oversight in SB-202 from the 2021 session. The legislature intended to remove the Governor from the medical parole decision-making process, but SB-202 did not do so. This bill corrects that oversight.

In 2021, the legislature voted to reform the parole process, and Governor Hogan vetoed the bill. We later overrode Governor Hogan's veto. Until that time, Maryland was one of only three (3) states that involved the governor in the parole process. This reform left the ability to review and grant parole for life sentences solely to the Maryland Parole Commission (Commission), a nonpartisan board composed of law and social service professionals.

SB-33 only addresses medical parole. Based on the General Assembly's vote in the 2021 Special Session, we should also give the Commission the sole ability to review and grant medical parole. SB-33

will remove the Governor's authority to approve, disapprove, or consider the 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 significant amount of their sentence, individuals with extreme mental or physical health conditions were deemed eligible for parole consideration. It was not until 2017 that we limited the Governor's role in the process. Out of the 2,000 people serving life sentences in Maryland prisons, only thirty-four (34) individuals applied for medical parole in 2018.¹

SB-202 sought to remove partisanship when deciding an incarcerated individual's fate. SB-33 seeks to further eliminate such partisanship. Some Maryland governors have adopted a "tough on crime" mentality, which disproportionately subjects Black and other people of color to stricter and more prolonged punishments.

In March 2021, former Governor Parris Glendening admitted the cruel nature of life sentences when he stated,

[P]eople 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.²

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

² <https://www.washingtonpost.com/opinions/2021/03/01/i-made-serious-mistake-maryland-governor-we-need-parole-reform/>

I do not believe that the General Assembly intended to bifurcate the determination of medically eligible inmates between the Commission and the Governor when it enacted SB-202.

SB-33, and its respective cross-file, HB47, will correct what was overlooked in the 2022 Session.

I respectfully request that the Committee grant a favorable report on SB-33.

Sincerely,

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

Jill P. Carter, Esq.

SB33 Medical Parole testimony - LMeadows UMDLAW.pd

Uploaded by: Lila Meadows

Position: FAV

To: Senate Judicial 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 33

Date: February 7, 2023

In 2021, the General Assembly took the historic and long overdue step of depoliticizing Maryland's parole process for individuals serving life sentences 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. Even in cases involving terminal illness, 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 during the 2021 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 33.

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.

O.Moyd Testimony on SB 0033 - Medical Parole - Feb

Uploaded by: Olinda Moyd, Esquire

Position: FAV



**February 8, 2023
Senate Judicial Proceedings**

Testimony in Support of SB 33 – Correctional Services – Medical Parole – Life Imprisonment

**Submitted by Olinda Moyd, Esq.
Chair, Behind the Walls Workgroup
Maryland Alliance for Justice Reform**

During the height of the pandemic, many defense attorneys across the country pivoted their practices towards representing individuals who linger in our jails and prisons who suffer from severe and chronic medical conditions. They still remain vulnerable to the virus and other diseases and deserve meaningful opportunities for release consideration. While the groundswell of fighting for compassionate release has simmered, we must remember that individuals remain behind bars with debilitating, worsening and disabling medical conditions from which they will never escape. “There is a lack of political and bureaucratic will to see dying in prison as a negative marker for what a prison system should be...” says Barry Holman, of the National Center for Institutions and Alternatives.¹ We agree.

The Maryland Alliance for Justice Reform supports a favorable report on this bill because any person who is chronically, debilitated or incapacitated by a medical or mental health condition, disease or syndrome as to be physically incapable of presenting a danger to society should be considered for parole release at any time during their sentence. The Maryland Parole Commission, which bears the responsibility for making parole decisions in the State, must be authorized to consider parole release for medically compromised individuals without political interference.

Men and women serving life sentences are not excluded from those who suffer from severe, chronic medical conditions in prison and should not be excluded from the opportunity for medical parole.

¹ See Medical Parole, Politics vs. Compassion, National Prison Hospice Association, [Medical Parole | National Prison Hospice Association \(npha.org\)](https://www.npha.org/medical-parole).

As I walk through the prison yards I observe individuals on crutches, in wheelchairs and know that there are many who cannot get out of bed because of their medical conditions. They often have to rely on the goodness of their fellow detainees to help them with daily functions as the nursing staff is often inadequate to meet their need for constant care.

This bill specifies that the MPC would:

- Receive written requests from the individual, an attorney, prison official, medical professional or family member; and
- Review the request to determine if it is inconsistent with the best interest of public safety and take no further action or request the department provide information for formal consideration of parole release.

Last year I had the honor of representing Mr. E who is housed at the Jessup Correctional Institution at a parole hearing. He is serving a life sentence and has been in prison since 1981. He is one of the gentleman I met at the Maryland State Penitentiary when I worked at the NAACP national office decades ago. He is now 75 years old. He suffers from a myriad of medical conditions including cardiovascular disease and has a pacemaker which requires treatment every six months at a hospital outside the prison. He also suffers from hypertension and edema, which causes excessive fluid buildup such that it is difficult for him to walk. Over the years, I have witnessed him progress from walking with a cane, to a rollator (walker with wheels) and now to a wheelchair. He was also diagnosed as a diabetic in 2009 and takes insulin injections to control this condition. He suffers from glaucoma and his vision is diminishing due to cataracts. Growing older in prison has taken a toll on his body. He suffers from urinary incontinence and sleep disorder. He has rheumatoid arthritis and gout, which will only worsen as he gets older. Over ten years ago he was diagnosed with Hepatitis C, but was initially refused treatment by DOC officials due to his age. This delay caused him to rapidly progress from Stage 1 to Stage 2. After suffering with nose bleeds and pain in his nasal area, he was transported to ENT where a CAT scan revealed a blockage in his nasal cavity. The mass was removed last year and he continues to receive treatment, but the health care team is limited due to his cardio compromised condition which is a priority. He was denied parole and remains behind bars as his physical condition deteriorates.

Due to extreme sentencing, Maryland is experiencing growth in our aging prison population. Along with an aging population come increased costs for healthcare and other conditions associated with growing old. It is estimated that Maryland imprisons approximately 3,000 people over age 50, and nearly 1,000 individuals who are 60 or older.² Based on data showing the geriatric population has higher care costs, a fiscal analysis concluded that continued confinement of this age group for an additional 18 years (based on the expected period of incarceration, the age at release and the projected life expectancy of the Ungers), would amount to nearly \$1 million per person, or \$53,000 a year. This is compared to the \$6,000 a

² Report by The Justice Policy Institute, *Rethinking Approaches to over Incarceration of Black Young Adults in Maryland*, (November 6, 2019).

year to provide intensive reentry support that has proven to successfully reintegrate them back into the community.³

This bill will provide meaningful parole opportunities for Mr. E and others like him.

We urge a favorable report.

Olinda Moyd
moydlaw@yahoo.com
(301) 704-7784

³ Report by The Justice Policy Institute, *The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars*, November 2018.

SUPPORT SB 33-med.parole.pdf

Uploaded by: Philip Caroom

Position: FAV

SUPPORT SB 33 – Medical Parole



TO: Chair Will Smith and House Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 8, 2023

Maryland Alliance for Justice Reform (MAJR-www.ma4jr.org) strongly supports SB 33 for parole of Marylanders who, due to medical conditions pose no risk to public safety, to both eliminate unnecessary political engagement of the Governor and to permit delivery of costly medical care to Medicaid.

The Maryland General Assembly, in 2021, revised state law to permit the parole of Marylanders serving life sentences without the Governor's personal involvement. This change wisely was made to avert the intervention of political concerns that had obstructed the parole of scores of Marylanders who had earned Parole Commission approval as both low risk and as likely to be positive influences on the community.

Maryland's Justice Reinvestment Act, adopted in 2015, provided in Correctional Services Article, section 7-309, that medical parole for inmates so debilitated or incapacitated as to present no further public safety risk. But, the General Assembly had not yet reached unity on removal of the Governor's political Parole veto so it remained in sec. 7-309.

There is no logical reason, however, to retain the veto for those medically-paroled. The Parole Commission will have extensive documentation from medical and correctional personnel in every such case. They will have input from victims and prosecutors. Life sentences are the most serious category of case that Parole Commissioners, themselves selected by the Governor, will face in their careers. Legislators can have confidence that the Parole Commissioners will make sound decisions in these important cases.

Savings from parole of these older and medically-disable inmates to the State Budget and, especially, the DPSCS medical budget, via transfer of these costs to Medicaid, will be great. The Pew Institute has reported: "***The older inmate population has a substantial impact on prison budgets. ...The National Institute of Corrections pegged the annual cost of incarcerating prisoners age 55 and older with chronic and terminal illnesses at, on average, two to three times that of the expense for all other inmates, particularly younger ones. More recently, other researchers have found that the cost differential may be wider.***" See 7/14 Pew State Prison Health Care Spending Report.

Public safety concerns are greatly reduced with older and disabled inmates, as national studies show. See, e.g., "*Graying Prisons- States Face the Challenge of an Aging Inmate Population* (2014)," Council of State Governments. A study of more than 130 older Maryland inmates released as a result of the Maryland Court of Appeals Unger decision indicated virtually no recidivism. Maryland's DPSCS, in 2006, also reported a zero recidivism rate for inmates paroled over age 60. *Aging Inmate Population, supra*. Funds saved from medical parole may be redirected towards for younger, higher-risk inmates who may pose much greater threats to public safety without appropriate services.

For all these reasons, Maryland Alliance for Justice Reform strongly supports passage of SB 33.

PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.

SB 33 - Correctional Services - Medical Parole - L

Uploaded by: Ralph Watkins

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 33 - Correctional Services – Medical Parole – Life Imprisonment

POSITION: Favorable

BY: Nancy Soreng – President

Date: February 8, 2023

The League of Women Voters of Maryland supports SB 33, which would remove a provision of current law that permits the Governor to override a decision of the Maryland Parole Commission to grant medical parole to an inmate serving a life sentence.

The League of Women Voters of Maryland supports a prison system that adopts, monitors and enforces standards which provide a humane physical and psychological setting. Maryland law recognizes that in some situations the prison system is not a humane setting for an inmate with a severe physical or mental disability.

The existing law requires the Parole Commission to find that the individual “is so chronically debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society” and must rely on expert medical advice to make this determination. The provision allowing the Governor to override the Commission’s decision opens the door to political considerations that may be inconsistent with the criteria set forth in the law. Although a rejection of the Commission’s decision might be politically popular in some cases, that would undermine the application of the principles set forth in the law that guard against inhumane conditions of imprisonment.

The LWVMD strongly urges a favorable report on SB 33.

In Support of SB0033.pdf

Uploaded by: Rebecca Benzer

Position: FAV

February 7, 2023

Members of the Judicial Proceedings Committee,

I am a resident of District 31, and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I've been a Maryland resident for over 20 years, and lived in Gambrills for over 10 years. I care deeply about making life better for all of our fellow Marylanders, even those who are incarcerated.

I am requesting that you support [SB0033 Correctional Services - Medical Parole - Life Imprisonment](#), which has the goal of removing the governor from the Maryland Parole Commission's (MPC) parole decision process.

In 2021, Maryland passed [SB0202](#), which removed the governor from the parole decision process. However, the section of the code pertaining to medical parole was mistakenly omitted from the bill draft, resulting in a situation where *only* medical parole decisions require gubernatorial action.

As a result of this error, medical parole decisions made by the MPC remain subject to a waiting period of six months. That is dangerous and unfair for Marylanders who need medical parole.

SB0033 would correct the medical parole omission, since the need for the MPC to be able to act expeditiously is arguably most critical in those cases where the parole candidate is seriously ill or dying. Indeed, in 2021, five people recommended for medical parole died waiting for the Governor to act. (https://www.aclu-md.org/sites/default/files/medicalparole_onepager_mdga23_2.pdf)

The current omission of medical parole disproportionately affects Black inmates, since as of 2021, more than half of people serving prison sentences in Maryland are Black. (<https://www.sentencingproject.org/reports/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons-the-sentencing-project/>)

If this bill does not become law, this pattern of racial inequity will continue. This is not who we want to be as Marylanders. For these reasons, I am strongly encouraging you to vote **in SUPPORT of SB0033**.

Thank you for your time, service, and consideration.

Sincerely,
Rebecca Benzer
305 Bonheur Ave.
Gambrills, MD 21054

SB 33_Medical Parole_FAV_ACLU.pdf

Uploaded by: Yanet Amanuel

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

February 8, 2023

SB 33 - Correctional Services - Medical Parole - Life Imprisonment

FAVORABLE

YANET AMANUEL
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ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 33, 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.

In 2021, 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 both depoliticize parole and ensure an expeditious process for those who have earned release.

It was clearly the legislature's intent to establish that the Maryland Parole Commission would be the final decision-maker for all parole decisions for Marylanders sentenced to life imprisonment. However, the section of the code pertaining to medical parole was mistakenly omitted from the bill draft, resulting in a situation where *only* medical parole decisions require gubernatorial action. As a result of this error, medical parole decisions made by the Maryland Parole Commission remain subject to a waiting period of 6 months, which is dangerous and unfair for Marylanders who need medical parole.

SB 33 would simply correct that omission. 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. The 180-day waiting period alone may be the difference between a peaceful death surrounded by family or a lonely death inside prison walls. Indeed, in 2021, two people recommended for medical parole died waiting for the Governor to Act.

Medical parole is awarded under extremely strict criteria. Under COMAR, only individuals who are so chronically debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically

incapable of presenting a danger to society may be released on medical parole. Swift consideration of these vulnerable people is not only the humane option, it would save tax payer dollars that would be spent on the exorbitant cost of round the clock medical care within correctional facilities. Among other materials, in order to make the appropriate decision, the Commission considers doctors' reports, medical records, mental health evaluations, and past legal history. The Commission goes through a rigorous process to determine who can be released, and every member of the Parole Commission votes in every case. Gubernatorial approval is a relic of Maryland's earlier failed system and risks opening these decisions up to politicization and bureaucratic confusion.

SB 33 is a simple bill would create parity across all parole processes. The bill would ensure that a terminal illness does not bar someone from fair and expeditious consideration of their request for release. For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 33.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

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FOUNDATION OF
MARYLAND

SB33.pdf

Uploaded by: Zainab Chaudry

Position: FAV



February 8, 2023

Honorable Senator William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB33 – **Correctional Services - Medical Parole - Life Imprisonment**

Dear Chair William C. Smith Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 33 **Correctional Services - Medical Parole - Life Imprisonment**, sponsored by Senator Jill Carter. CAIR is America's largest Muslim civil rights and advocacy organization.

SB27 aims to repeal provisions requiring the Governor's approval in order for the Maryland Parole Commission to grant medical parole to an inmate serving out a life sentence in prison. The Maryland Parole Commission makes decisions to grant or deny Medical Parole. My organization was glad to support the work to take politics out of parole by no longer requiring the Governor to approve parole for eligible Marylanders. We request you to extend this measure to incarcerated Marylanders who are also eligible for Medical Parole.

The Maryland Parole Commission was established under the Department of Public Safety and Correctional Services and charged with deciding whether Marylanders serving sentences of six months or more in state or local facilities, are suitable for release under supervision on a case-by-case basis.

The Commission looks at multiple factors when conducting a parole grant hearing, including the nature and circumstance of the offense; victim input; history and pattern of offenses; prior incarcerations; institutional adjustment; rehabilitation; programming needs; home plans and employment readiness. These decisions are not taken lightly.

The process for an inmate to be eligible for medical parole is extensive and includes the warden submitting documentation to the Commissioner of Correction including a statement from the candidate's attending physician that includes the person's diagnosis, prognosis, inpatient or outpatient status, and justification for meeting the Medical Parole criteria.

Appointments to the Parole Commission are made by the Governor. The Governor should demonstrate trust in officials appointed under his authority. They are more familiar with each individual's circumstances and can better evaluate readiness for release.

The Parole Commission should be the final decision-maker for the parole process in all cases, including medical parole. In 2021, five people recommended for medical parole died waiting for the Governor to act. Passing SB33 is the humane thing to do, and we respectfully urge a favorable report.

Thank you for your consideration.

Sincerely,

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