



Testimony for the House Judiciary Committee

January 24, 2023

HB 47 - Correctional Services - Medical Parole - Life Imprisonment

FAVORABLE

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The ACLU of Maryland urges a favorable report on HB 47, 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.

HB 47 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.

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HB 47 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 HB 47.

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